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The Senior Class

of the

ALBANY LAW SCHOOL

VOLUME VIII

THE VERDICT

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1928

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CHARTERED APRIL 17, 1861
DEPARTMENT OF LAW

To

Raymond C. Allen

Who by his never-failing spirit of friendliness and co-operation has endeared himself to all of us, this volume of The Verdict is respectfully dedicated

UNION UNIVERSITY
CHARTERED APRIL 11 1851
DEPARTMENT OF LAW

Foreword

"There is no frigate like a
book to bear us lands away."

In after years, when what is now reality belongs to a dim and hazy past, if this book shall call forth the cherished and hallowed memories of our student days, its purpose shall have been fulfilled and its story told not in vain.

UNION UNIVERSITY
CHARTERED APRIL 11, 1795
DEPARTMENT OF LAW

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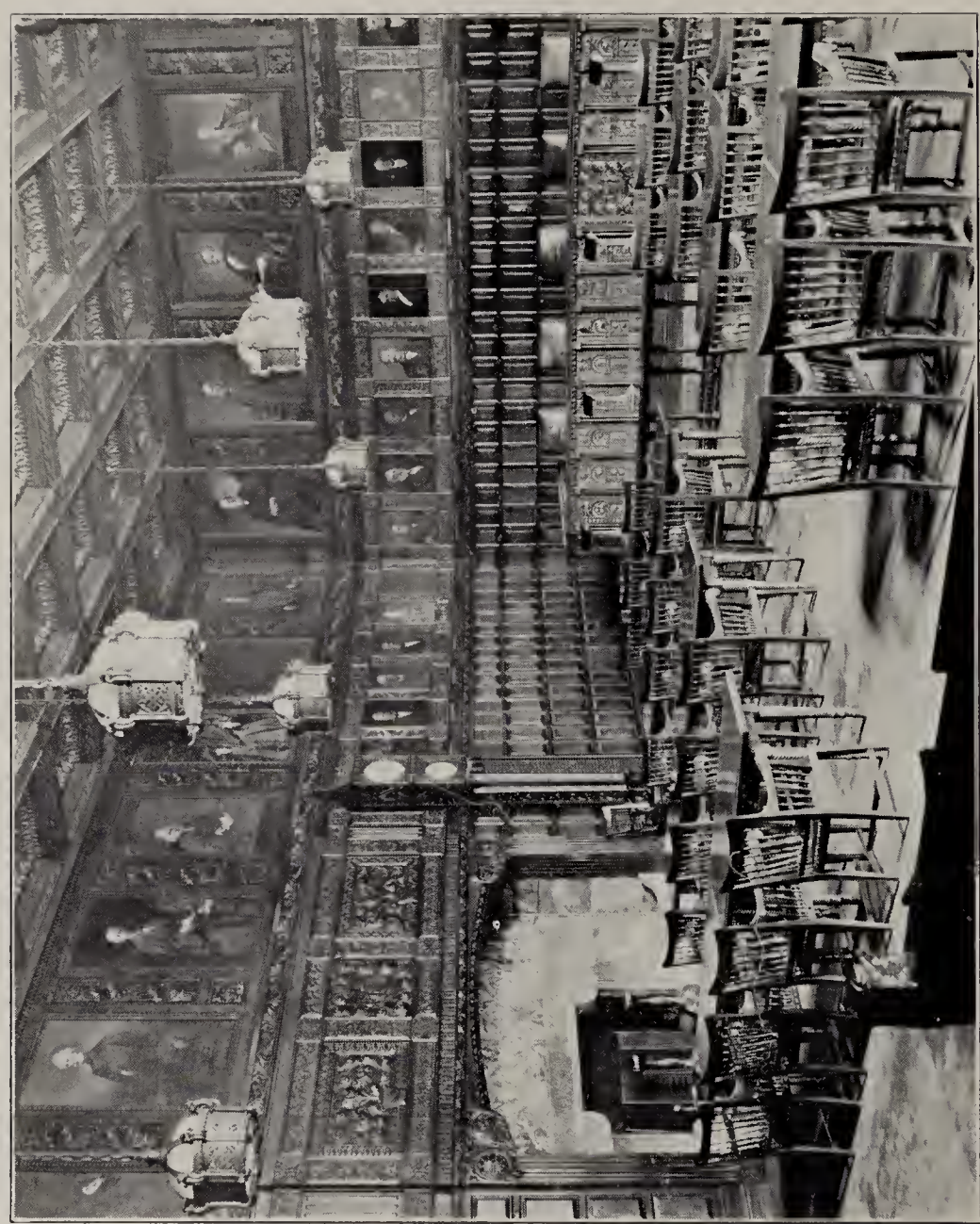

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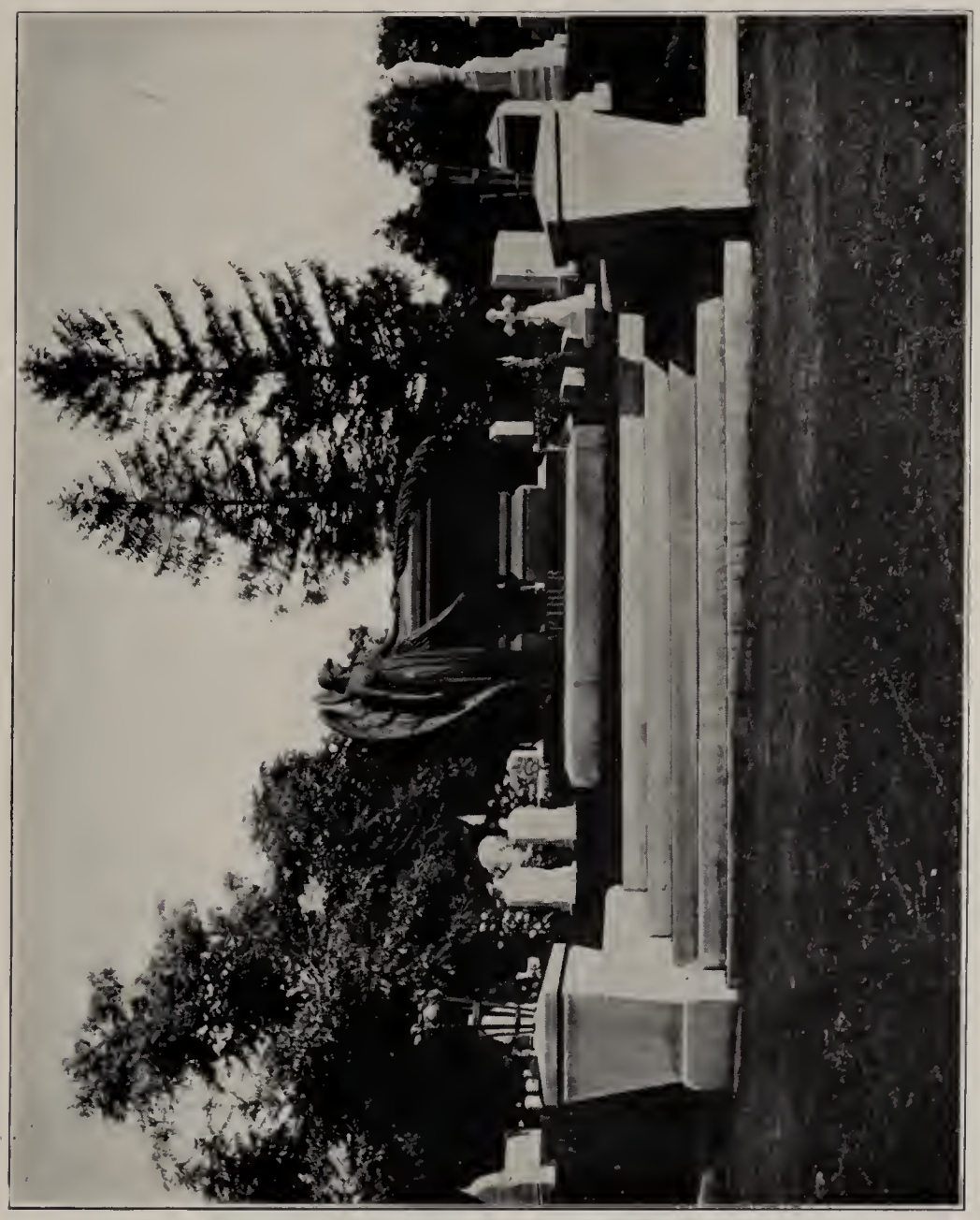

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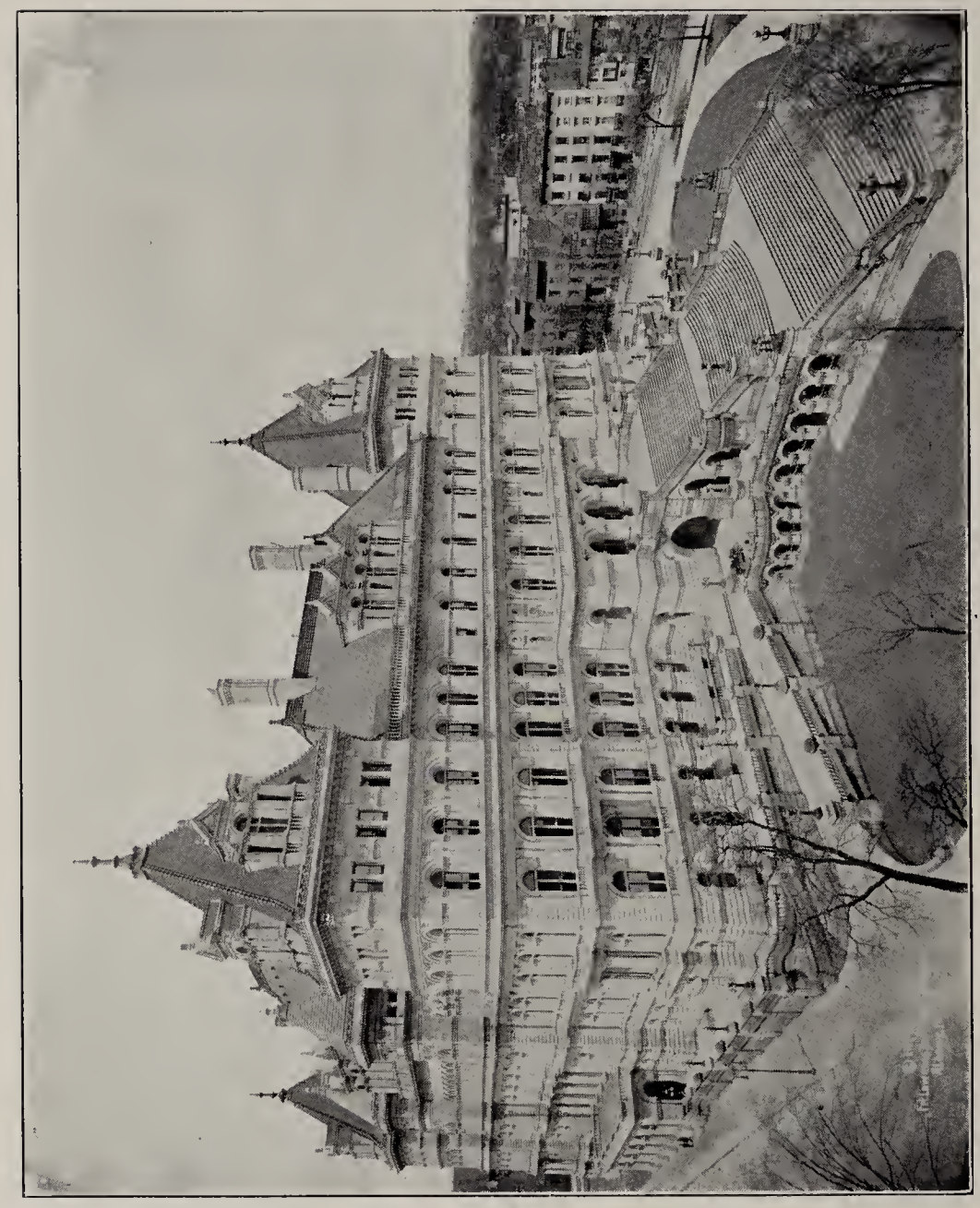

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UNION UNIVERSITY
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Union University

CHARLES ALEXANDER RICHMOND, D.D., LL.D., *Chancellor*

Union College

FOUNDED 1795

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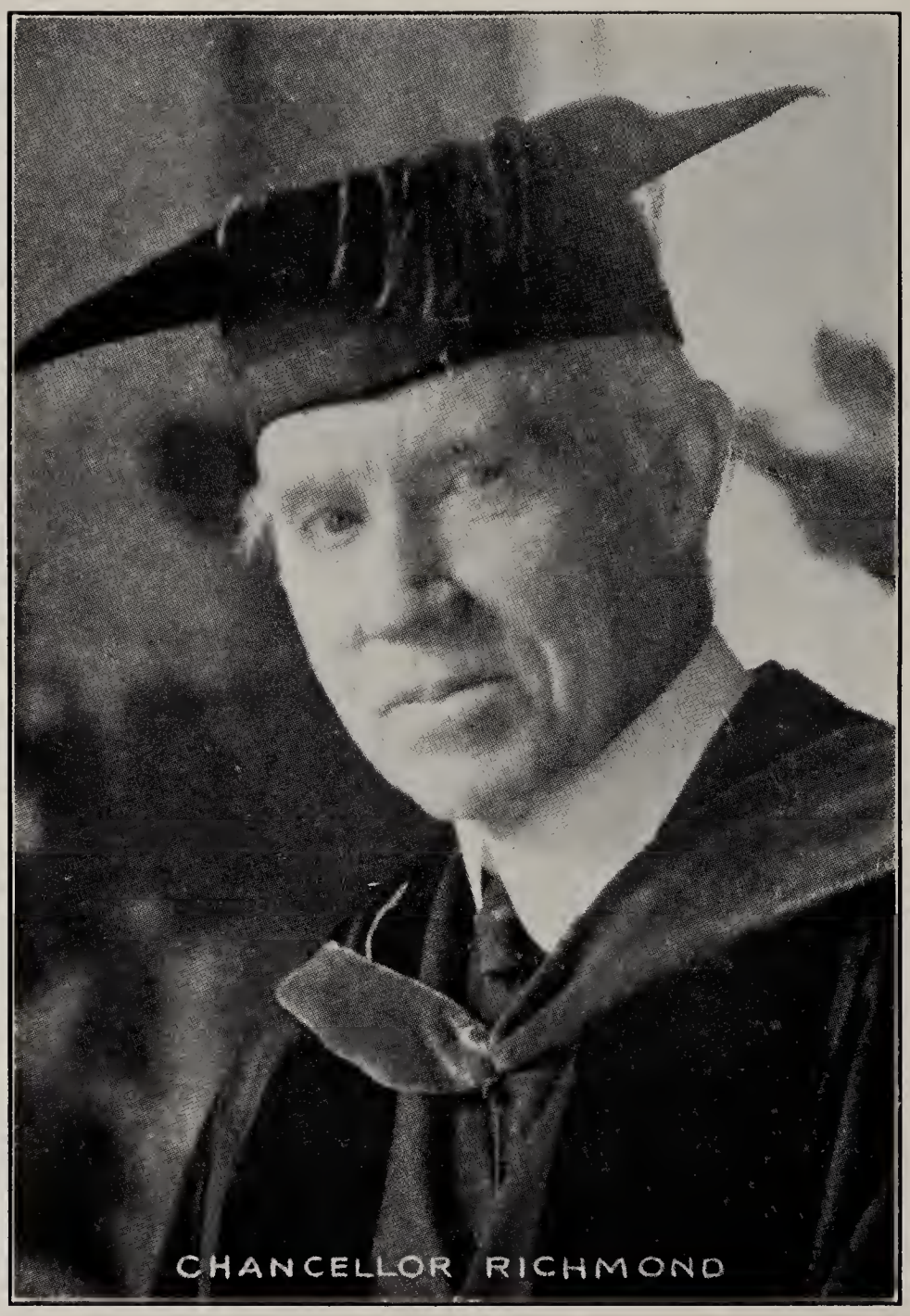

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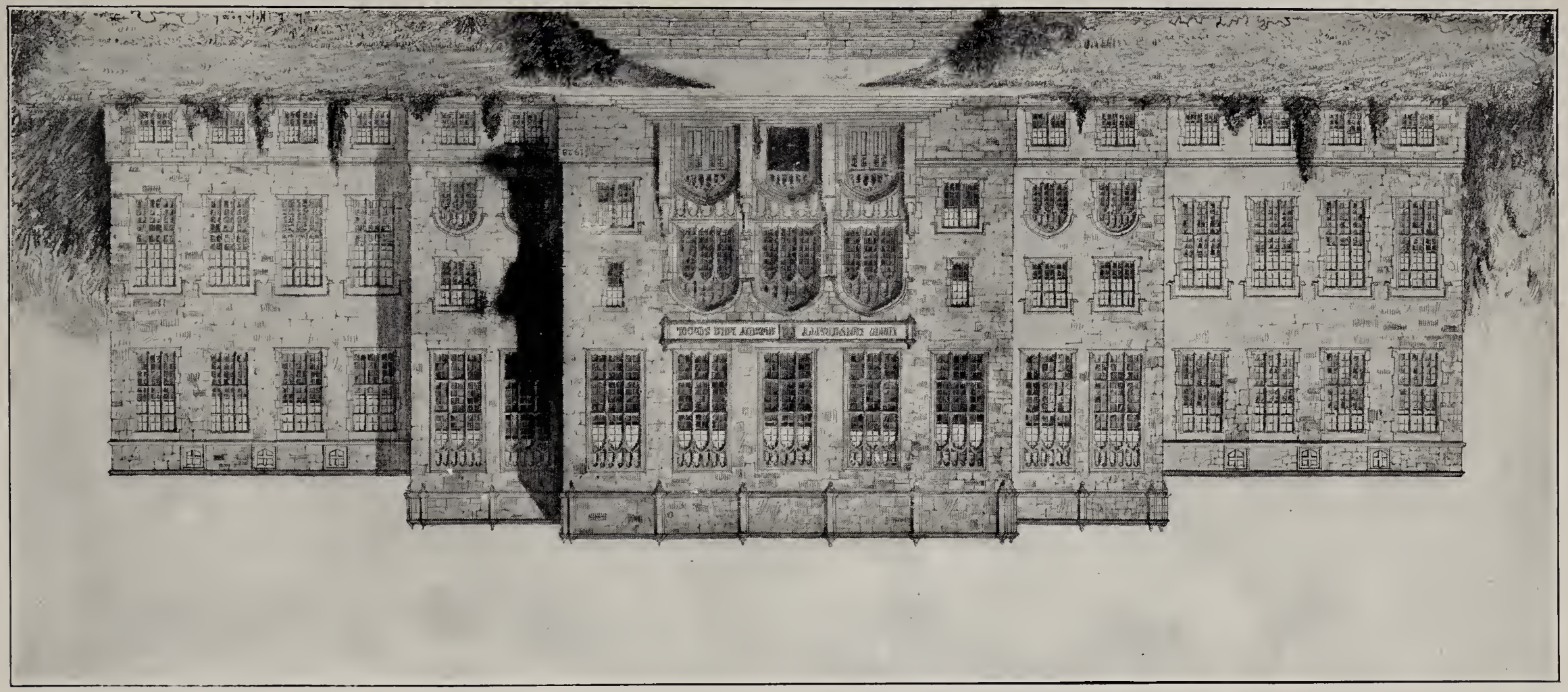
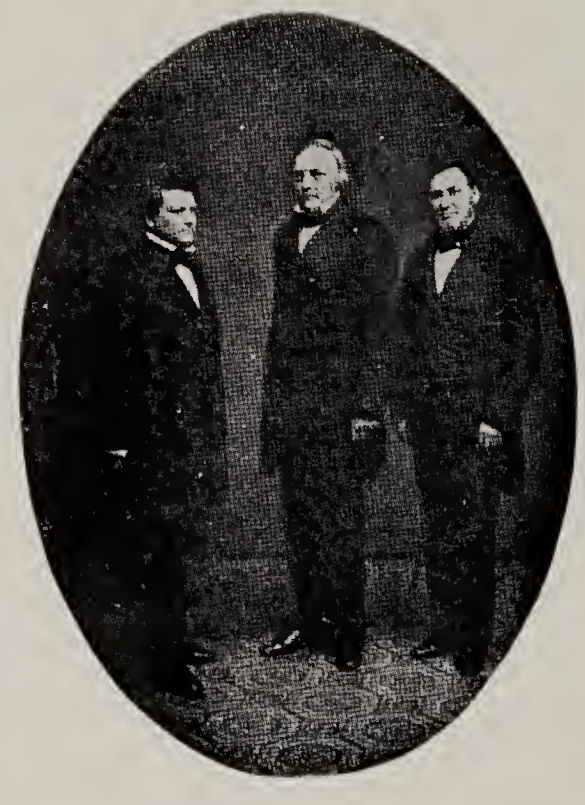


The Old School and The New

FOR many years the Albany Law School was identified with the little, red brick building on State Street, which had to be razed to make room for the new State office building. It seems a far cry from this ancient landmark to the new home of the Albany Law School which is soon to be in the process of construction. Guided by information gained through an extensive investigation of other law school buildings, the building committee has included in the new structure all the distinctive features of modern school architecture. The new school meets the growing needs of the Albany Law School and is an important step forward in the progress of this old institution.



The Founders of Albany Law School

Amasa J. Parker
Union, 1824

Ira Harris
Union, 1825

Amos Dean
Union, 1826

FACULTY

In Memoriam

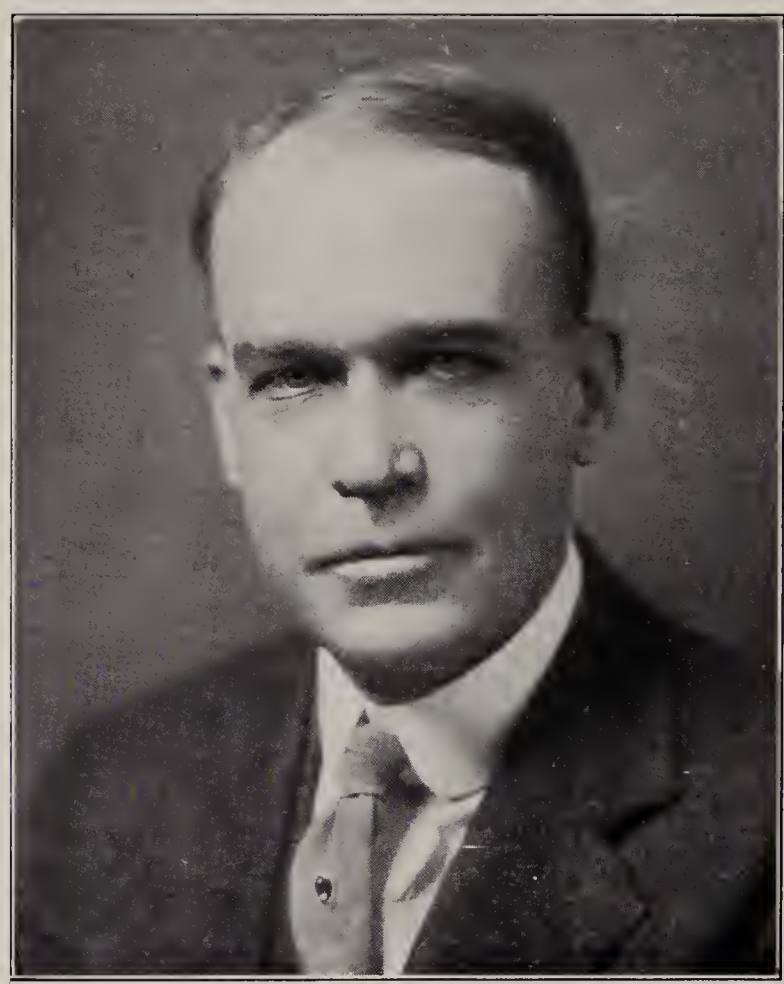
GEORGE LAWYER

Both the faculty and the students of the Albany Law School experienced a feeling of loss this year when the school season was resumed without the presence of Judge Lawyer. A graduate of the Albany Law School and an instructor here for many years, the memory of Judge Lawyer lingers in the minds of a large number of our graduates who in the past enjoyed his instruction and friendship. Esteemed as a teacher and beloved as a friend, his life is an ever present inspiration to those in the profession of the law.

In Memoriam

FRANK B. GILBERT

The second vacancy in the faculty at the resumption of the academic year was caused by the death of Frank Gilbert, one, who like Judge Lawyer, had been associated with the Albany Law School for many years. Dr. Gilbert during his active career was intimately connected with problems of education and his death brought sorrow to a wide circle of friends. The passing on of two such men as Judge Lawyer and Dr. Gilbert, both of whom gave so liberally of their talents to the growth of the Albany Law School, adds more hallowed memories to those which in the past have associated themselves with this historic edifice of learning.



Harold D. Alexander

Dean of Faculty

LL.B., Albany Law, 1895; M.A., Union; District Attorney Albany County, 1914-1919. Lecturer on the law of Real Property, Criminal Law, Agency, Legal Ethics

ALDEN CHESTER, LL.B.

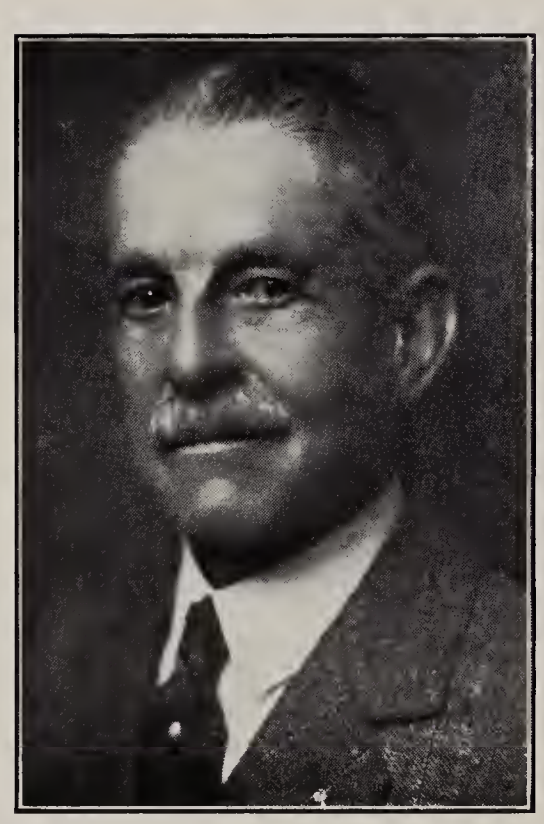
Lecturer on the Federal Judicial System.
LL.B., Columbia, 1871; Justice Supreme Court, 1895-1918.

NEWTON B. VANDERZEE, A.B., LL.B.

Lecturer on the law of Wills, Executors and Administrators.
A.B., Williams, 1892; LL.B., Albany Law, 1893; Surrogate of Albany County, 1906-1918.

JOHN T. FITZPATRICK, A.B., LL.B.

Lecturer on Legal Bibliography.
A.B., Cornell, 1900; LL.B., Albany Law, 1903; State Law Librarian, 1915-.



ARTHUR L. ANDREWS, M.A.

Lecturer on Municipal Corporations, Negotiable Instruments, Guaranty and Suretyship.
A.B., Wesleyan, 1875; M.A., Wesleyan, 1878; Corporation Counsel, Albany, 1900-1920.

ROLAND FORD, LL.B.

Lecturer on the law of Evidence, Torts, Negligence, and Insurance.
LL.B., Albany Law, 1907.

RAYMOND F. ALLEN, A.B., LL.B.

Lecturer on Fundamentals of the Law, Public Utilities, and Practice and Procedure.
A.B., Colgate, 1917; LL.B., Albany Law, 1921; Law Assistant State Department of Education, 1921-1922.

CHARLES J. TOBIN, LL.B.

Lecturer on the law of Assessment and Taxation.

LL.B., Albany Law, 1904; Counsel State Tax Commission, 1913-1915; President New York State Tax Association.

CHARLES H. ANDROS, C.E., LL.B.

Lecturer on the law of Patents, Trademarks and Copyrights.

C.E., Rensselaer Polytechnic Institute, 1907; LL.B., Albany Law, 1920; Examiner U. S. Patent Office, 1920-1921.

ISADORE BOOKSTEIN, LL.B.

Lecturer on Practice Court Work.
LL.B., Albany Law, 1912; Assistant District Attorney Albany County 1920-1921; County Judge Albany County, 1921-1922.

WILLIAM T. BYRNE, LL.B.

Lecturer on the Principles of Legal Argument and Oratory.
LL.B., Albany Law, 1904; New York State Senator, 1922-.

ANDREW V. CLEMENTS, LL.B.

Lecturer on Current Law, Quasi Contracts, and Personal Property.
LL.B., Albany Law, 1919.

ALDEN I. ROSBROOK, LL.B.

Lecturer on the law of Corporations.
LL.B., Cornell, 1902; Lecturer University of Pennsylvania Law School, 1909-1911; First Deputy Supreme Court Reporter, 1920-.

RALPH E. ROGERS, A.B. LL.B.

Lecturer on the law of Contracts, Equity and Trusts.
A.B., Yale, 1901; LL.B., Columbia, 1908; Lecturer Columbia University, 1913-1917, 1919-1921.

FRANCIS KELLIHER, A.B., LL.B.

Lecturer on the law of Damages and Domestic Relations.
A.B., Yale, 1922; LL.B., Albany Law, 1926.

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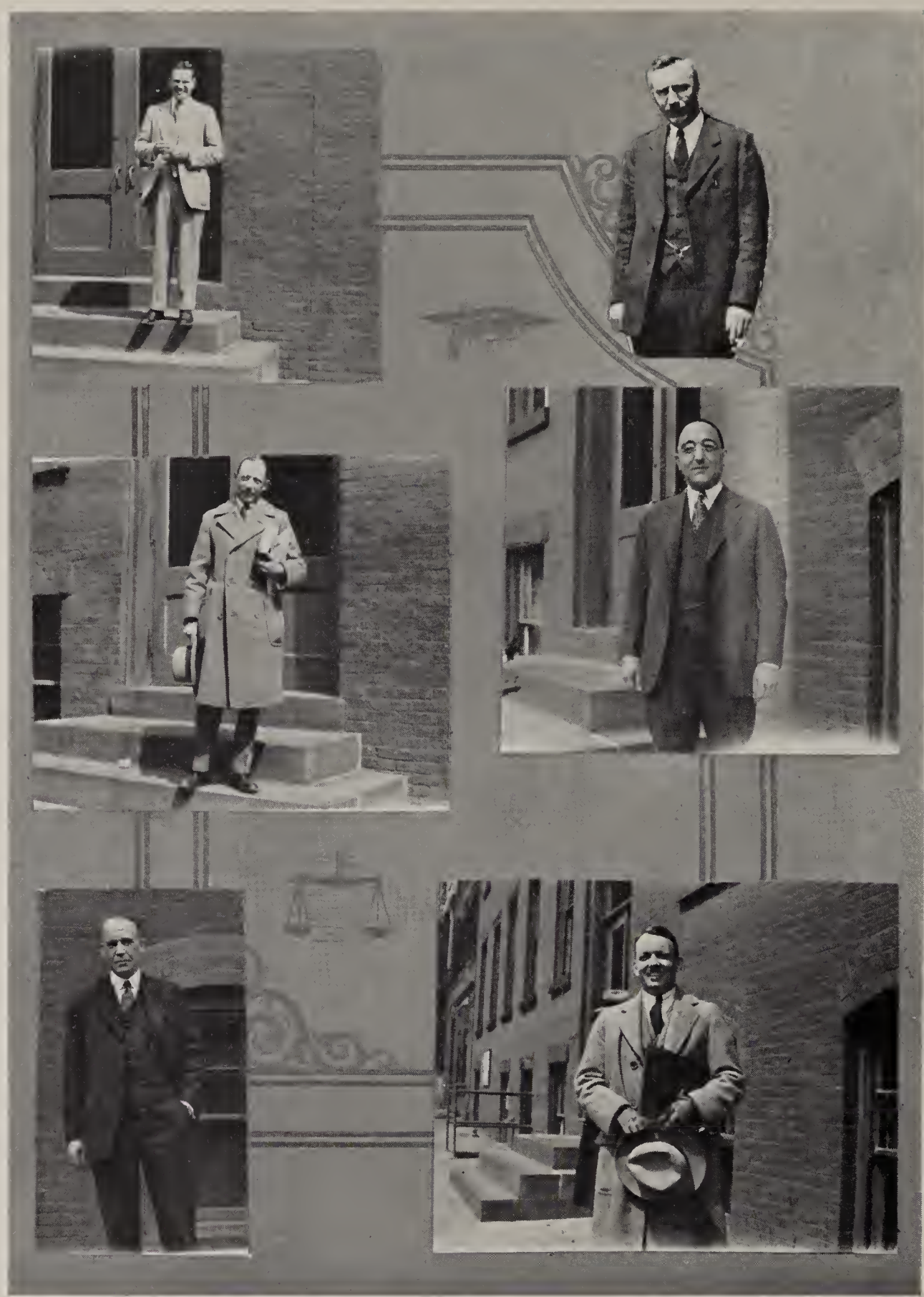

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SENIORS

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President

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Robert E. Comiskey	*Orator*
Joseph L. Petrunick	*Poet*
Roger A. Kaadtman	*Chaplain*
James E. O'Loughlin	*Marshal*

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William D. Bresinham
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Willard A. Sann
Kenneth P. McKeon
James W. Blake
John D. Munsil
Clifford W. McCormick

Reverie

"When in the sessions of sweet silent thought,
I summon up remembrance of things past."
—Shakespeare

Is not
Man's music made divine,
When from the hills
And from the pine
A distant echo sounds again
The tunes and songs once played by men!
Life plays her songs
On the strings of the heart,
And on mem'ry's gilded wings
From tunes of friendships strong
An echo sounds within the soul the heart's old song.

With a
Friendly swing and student's brow,
We're clasping hands
At the cross-roads now.
We've passed these cheerful ways together—
Yet, even friends,
Our ways must sever.
This book,
Tho' worn, in future days
Will softly call us back—
Tho' we are still apart—
To the days when
A friendly pledge grew up from heart to heart.

Albert T. Decker, '28

REBECCA D. AXELROD *Albany*

Invitation Committee (3)

"And lo! Ben Adhem's name led all the rest."

We point with pride to our busy bee, our exemplar of industry, our blithesome Becky. Any evening will find her hiding behind a stack of reports in the State Library, and morning will discover her with cases enough to delight the most hardened instructor or indolent neighbor. Some say the reason for this conscientious preparation is sympathy for the occupant of the platform, having herself dispensed knowledge no great time ago to a younger generation, but we have more than a suspicion that she has very serious intentions on the legal profession, though of course we may be wrong.

JOHN PEASLEE BADGER *Malone*

Phi Sigma Kappa

"Silence is golden"

Jack is a man who thinks much and says little. Coming to us from the great north country he entered our number in an unobtrusive manner believing no doubt in the old adage that "By their fruits ye shall know them". Jack is a man who creates quite a bit of comment when the marks come out, which gives one the impression that he has a keen legal mind. He admits this without argument. Ask him any question, from the 1910 population of Malone to the real facts about the latest misdeeds of the Irish. Instead of fifteen minutes a day with the Harvard Classics we advise five minutes a day with John.

LAURENCE VAUGHNE BENEDICT

East Orange, N. J.

Hail! proud father! Ben is one of the few members of our class who can drive a baby-carriage. Many are the times we have seen him walking down State Street in dear old Schenectady on a Sunday afternoon proudly pushing a go-cart with the wee one ensconced therein. Ben says he's glad it wasn't twins, because one makes enough noise. In his Sophomore year at college, Ben swung the class election by sheer political genius. You never can tell about these deep, silent men.

JOHN H. BENSON *Albany*

Jack is the politician of our class. In this line he is a veritable Napoleon for who else but the great Emperor possessed such ability of confounding his opponents. However, Jack does not confine his attention entirely to politics. He has a set of the New York Reports in his home which he peruses at great length and in minute detail. Also a wife and child are said to demand some of his valuable time when he is not engaged in acquiring legal lore. We anticipate a brilliant future for Jack if he continues to develop the talents he had displayed while among us.

JAMES WILLIAM BLAKE *Troy*

Executive Committee (3)

This unassuming young man has been so occupied laying aside his store of legal knowledge, that few of us have come to know him. Even our instructors seem to realize in him a mighty hunter among the dusty volumes. When most of us are assuming that inconspicuous attitude with crossed fingers, occasioned by a dozen 'haven't that case' answers, Jim is nonchalant. "He who is prepared has nothing to fear for the future."

WILLIAM D. BRESINHAM *Frankfort*

Phi Sigma Kappa

VERDICT Board

Bill is the boy who with pointed finger lays down the law in that approved judicial manner. It is astounding how quickly he prepares himself for that complete assurance of rendition. He has been known to dispel all doubt on a knotty question when the rest of the legal luminaries in the class have failed. The greater portion of Bill's legal lore has been acquired through hard work. It is understood that Bill finds time for other interesting activities — ah, social, for instance. We feel that a man of such capabilities will surely succeed.

WILLIAM S. BRILL *Jamestown*

Chancery

Forum

Key Committee (1)

Chairman, Invitation Committee

Bill, our tall, good-natured, sandy-haired Viking comes from Jamestown, the home of the great Chautauqua. The limitations imposed by our editor forbid any attempted discussion of Bill's versatile interests. Besides being a consistent student, he is noted for his "Brill Review Course," and rumor has it, that he has even turned his hand to poetry with fair success. His keen mind and affable manner point to a successful career.

CHARLES D. CAMPBELL *Syracuse*

In those first hectic days of our Freshman year, several figures stood out prominently. And Charley was one of them. We cannot say that he out-Flynned Flynn or made Segal jealous, because that would be slandering Charley. But in his seeking after knowledge, he became known as the "Human Question-box". We hear that at Syracuse he held up one course for two weeks and another for three by asking countless questions! But he couldn't do it here, although he tried hard! Charley can think of more twists and ask more complicated questions than any four children that ever lived. If he argues as ardently before the Court of Appeals as he does among the fellows, he'll never lose a case.

M. Maurice Chacchia *Geneva*

Alpha Phi Delta
Kappa Beta Phi
Devil's Own
Forum (1), (2), (3)
Inter-Fraternity Conference (2), (3)
Executive Committee (3)

"As long lives a merry heart as a sad".

Who would say that we should introduce our friend "Catch?" We have left that to him and he has done it regularly every morning shortly after nine o'clock. It took the class till the second year to appreciate him and guard against his mischief. He is original, dependable, jovial, and a good friend. He has certain natural abilities and intuitions which we, who know him well, recognize as the makings of a "little giant". We have forgotten to mention that "Catch" hails from Geneva, but who doesn't know it? What's more Geneva will some day proudly proclaim it. 'Tis well, 'Tis well, 'Tis well.

Clifton Anthony Cloud *Albany*

Justinian

Historian (3)

Forum (2), (3)

Clif seems to be the most profound and learned of our married men. Who of us has not admired those erudite, technical opinions he so ably delivers? It seems his store of legal knowledge failed him once. This was deduced from the circumstantial evidence Clif offered on returning to school last September. Much time was spent endeavoring to account for the close hair-cut but Clif said the particular style was irrelevant, immaterial and incompetent as evidence. It is unquestionable but that he will be an asset to the profession. Our only worry is that some wily opponent will hide Clif's brief case. It is the only known method of getting the best of him.

MAX COHEN *Port Gibson*

Justinian

Forum

VERDICT Board

Early in those dim and obscure days when we were Freshmen, Max was already earning his reputation as the hardest worker in our class. Ever since then Max has been burning the midnight oil. The result of his labors is his Justinian key which proudly hangs from his watch chain. Having due regard to our personal safety we would never wish to be in school if Max should announce that he had "failed to read that case" because we know no structure would be strong enough to stand the stampede which would surely follow without collapsing. Here's luck, Max.

WILLIAM S. COLEMAN *Buffalo*

Kappa Beta Phi

Banquet Committee (3)

And there came three gamboleers — Bud, Bill, Ben, — exponents all of the collegiate man, the gentleman lawyer, the regular fellow. Bill came to Albany Law at the beginning of our second year and immediately established himself as "one of the boys". Bill's first year of law was at Syracuse Law School and it is rumored that he left there seeking new fields to conquer. That he is capable no one doubts. Bill will go far in the field of the law. We wish you luck, Bill. 'Tis well, 'Tis well, 'Tis well.

ROBERT E. COMISKEY

Leominster, Mass.

Delta Chi
Forum (1), (2), (3), President (3)
Chancery, Chancellor
Debate (2) (3)
Cardozo Debates

Silence, he must be heard! Bob is the only student known who hasn't answered something to every question asked of him by our learned instructors. Correct or otherwise, it is always a treat to hear him. Bob's outside activities are seemingly limited to politics with the emphasis laid on speech making. Republican politics accounts for Bob's being the idol of the Baby Elephants and the terror of the Democratic spellbinders. With his legal training, experience as Chancellor and debater, and his ability to talk people into a state of dreamy contentment, Bob's bid as a successor to Demosthenes is secure.

WILLIAM R. COMPTON *Elmira*

This is the man who thought he knew who was going to win the World Series last fall. Seek farther and you will find the man who really did know. Bill's judgment may be poor, but he is always ready to back it. Bill sits just on the edge of the "Turbulent Corner" of the Senior Room and has such an innocent, smiling face — and such a low whisper — that he gets away with it. And then that window alongside of him. Those people across the street certainly ought to buy window shades. Very annoying, these girls! But hush, he might let his wife read this.

WILLIAM E. J. CONNOR *Philmont*

Gamma Eta Gamma
Chancery
Forum (1) (2) (3), President (3)
Debate (2) (3)
Executive Committee (3)

"I must be heard".

Nothing delights Bill more than an opportunity to demonstrate to the world what he considers the real pose that a lawyer should assume while propounding the silent mysteries of the profession. If, by chance, he has the case when called on, he solemnly rises, with head high, his glasses in one hand, half-way facing the class and then he speaks for the benefit of his fellow students. Bill is an incorrigible Democrat and we expeet great things from him in politics. At heart Bill is a good fellow and it will take no eampaigning on his part to assure him all our votes.

HAROLD J. COOK *Syracuse*

Hal is a young man with the courage of his eonvictions even to the point of conducting a mutiny. Although he has been suspected of being a soeialist, it was learned after an investigation that he is a stauneh Republican. After that day when Harold's recitation in Criminal Law was commended by the Dean as becoming to a stock salesman, we have no fear for his future success as a pleader at the bar of justice — and we wish him a Mary time.

ALBERT T. DECKER *Brooklyn*

Gamma Eta Gamma
Forum (2) (3)
Devil's Own
Class Prophet (3)
VERDICT Board

We here present to you a classmate of unusual mental capacity. His skill in discussing theories of psychology, theology and kindred subjects is only surpassed by the sound arguments which he propounds in the manipulation of legal problems. Al, otherwise known as "Sharkeye" Decker, was particularly verbose in explaining the Bertillon system of recording fingerprints in the Chancery trial. In his lighter moments, "Deck" favors the boys with all varieties of modern syncopation on the piano. His bantering wit makes him an enjoyable companion, as his sincerity makes him a good friend. May abounding success be yours in the future, Al.

WILMOT DECKER, JR. *Middletown*

Delta Chi
Forum
VERDICT Board
Devil's Own

"*Drink deep, or taste not the Pierian spring*".

Here is a philosopher. Not one who drags shallow ideas from a cigarette or clever ones from a cigar, but one who draws deep, though occasionally heady, philosophy from a well-worn pipe and strong tobacco. Wilmot is our most shining example of the lack of universality of maxims, for his interests have entirely disproved that old saw about the law's being a jealous mistress. If our editor did not insist upon verifiable facts we might hazard the prediction that he will be the most versatile lawyer of our class.

WALTER E. DEISSEROTH *Middletown*

President (2)
Kappa Beta Phi
Devil's Own
Forum
Manager of Debating (2) (3)

And there came three gamboleers — Bud, Bill, Ben — exponents all of the collegiate man, the gentleman lawyer, the regular fellow. And lo! — We have the mightiest of the three — the redoubtable Bud. Bud rose to the pinnacle of success in the political realm during the Junior class election of 1926 and after the smoke of battle lifted Bud was proclaimed President of the mightiest class that ever came down the pike. His ability as a leader was also displayed during the ensuing year as "Swipe" of Kappa Bet, and that ability will carry Bud through the struggles of the coming years. Good luck to you, Bud. 'Tis well, 'Tis well, 'Tis well.

FAY ROEDER DEPFER *North Tonawanda*

Kappa Beta Phi
Forum (1) (2) (3)
Freshman Dance Committee
Freshman Banquet Committee
Senior Banquet Committee
VERDICT Board

Fay R. Depfer, the little giant from North Tonawanda; the man of much collegiate experience. Fay has listed in his previous college career Washington and Jefferson and Hamilton Colleges, and he has tried to instill into the quiet and solitude of our professional school, a collegiate atmosphere; and, to a certain degree, he has been successful. "Depf" has taken an active part in many of the extra-curriculum activities; and, though small of stature, he is always to be seen and heard in discussions of topics of public interest. "Depf's" progressiveness will help to boost him to the goal of success. 'Tis well, 'Tis well, 'Tis well.

JOSEPH J. DOYLE *Phelps*

Phi Sigma Kappa

"It's always fair weather when good fellows get together".

Here is a man after our own heart. Joe has that indefinable something that makes his company a pleasure and his friendship worthwhile. However, this man of parts does not confine his attention entirely to the masculine. He has a propensity for keeping the telephone busy between Albany and Geneva, much to the chagrin of his friends waiting to use the 'phone. We assume from the tone of voice in which the calls are conducted that Joe is not talking to the Telephone Company officials. We believe that Joe has all the attributes necessary to success in the law and so Joe, "Here's to you".

KENNETH J. DUGAN *Albany*

Forum
Chancery
Debate (2) (3)
VERDICT Board
Chairman Dance Committee (3)

This is the man who told Bill Compton who was going to win the World Series. And shortly thereafter, Pat appeared in a new fur coat! In Pat we have the anwer to a maiden's prayer. Versatility is his middle name. He is at ease on a sofa when the lights are low, on the debating stage, or the athletic field. With an Irish smile and an infections rumble of a laugh, he is a confirmed joker, but is most credulous when being fooled. Inclined to take things easy, he never hurries, but there is no doubt as to his ability and we predict a highly successful career for him.

SEYMOUR ELLENBOGEN *Albany*

Devil's Own
Invitation Committee (3)

"A bed, a bed — my kingdom for a bed."

Ladies and gentlemen, we now present the most versatile man in '28 — Captain Ellenbogen. For three years now, Seymour has been having trouble with his alarm clock. So far as we know, it is still about five minutes behind. Seymour has a liking for long-distance sleeping, bell-hopping, and making stirring orations. For some time past he has been living at Albany's finest hostelry, in an attempt to codify the law of Innkeeper and Guest. Seymour wants to go to New York City to practice law and unless he changes his mind, Albany will lose a most promising practitioner.

HELEN M. GROSS *Albany*

Class Prophet (1)
Cap and Gown Committee

Helen — of Albany, of course — deserves all the praise we can bestow. A banker in the afternoon, she has maintained a high standing in the class by renouncing all (?) dates and studying every (?) evening. Think of the parties missed, the opportunities passed by, and you cannot deny her right to be praised. She has sucessfully resisted the importunities of her classmates and scorned "the boys". Of course, as one of a vanishing race — "The Albany Law School Co-ed" — it is her duty to attend school functions, but outside of that her fellow students see her not. Her perseverance and mental powers are sure to bring her success.

WILLIAM F. HAHN *Schenectady*

"Willie" has always been considered the baby of the class. We do not know whether his extreme youthfulness is responsible for the appellation of "Willie", or whether it is an importation from home surroundings by his fellow commuters. Notwithstanding the foregoing, "Willie" has a winning way with the co-eds up Western Avenue. (We are still wondering who the "prom" girl was?) "Willie" hails from the Electrical City, which probably accounts for the unusual ability he has displayed in repairing table-lamps at the "Ed" Building for the State College co-eds. "Willie" tells us he wants to be a patent lawyer. Here's luck to you, "Bill".

BURDETTE JOHN HASPER *Belfast*

Burdette joined us at the beginning of our Junior year and it was not long before he was as well known as any of our charter members. Since studying Municipal Corporations, he has decided that being Mayor of Belfast must be hard work and we hear that he has turned his ambitions to other channels. Burdette is a consistent worker and seldom disappoints the instructors when they are vainly seeking for a case. With such ambition and perseverance we expect much of him.

NELSON LE VAN HAVER *Kingston*

Here we have a promising product from the Town of Kingston. We call to your attention that intriguing curl of his hair and that genuine "school girl" complexion. When the battle waxed heavy during the senior year, Van proved himself a worthy forensic opponent. If we may hazard a prediction we feel the day is not far off when Van will sit as a Tax Commissioner to insure efficiency and economy to the People of the State of New York. We all unite in wishing him good luck.

STANLEY DENNIS HICKS *Oneida*

Delta Chi
Devil's Own
Banquet Committee (3)

To look at Stan, one would never suspect the calculating, impartial man of affairs he is. But then a successful adjuster of accidents, real and otherwise, has to be that way. Despite the effect of his experience in the claim department of an insurance company, which you might think would make him somewhat pessimistic, we still recognize in him the same, cheerful fellow who joined us three years ago. Stan's capacity for interviews is marvelous but rumor has it that his calling upon one of the sorority houses of a nearby institution of learning is too regular to be devoted to business alone. We are sure success lies ahead for him.

JOHN MILLER HOTALING, JR. *Oneonta*

Delta Chi
Chancery
Junior Prom Committee (2)
VERDICT Board, Art Editor

"Handsome is that handsome does."

One of the principal products of Oneonta is hops, the other is Jack. Whether there is any connection between the two we do not feel qualified to decide. What we do know is that during his sojourn with us he has engaged in a well rounded pursuit of Romance, Law and Art (the order is not significant) and from the latest reports is doing rather well in all his endeavors. Like most dashing young cavaliers Jack wears a moustache. You will observe that the photographer has caught one in full bloom. We are often not so fortunate, and have to make allowances for artistic temperament and over-sleeping. But after all a talented art editor can be forgiven much.

HENRY L. ISENBERGH *Albany*

For three years now, "Liv" has been the daddy of the class, both in age and in action. "Liv" has been, we dare say, one of the most versatile men in the Class of '28. He came to us from Dartmouth, but not until he had spent much time as a "doughboy". His fighting spirit is still apparent in his many verbal clashes with the instructors. "Liv" uses a particular brand of hair-tonic; and the past summer he went over to France for a fresh supply. Late returns show an increase of three hairs during the past week. Despite his seniority, "Liv" has shown himself to be a fellow well met and we trust he will be successful as a practitioner of the law.

ROGER A. KAADTMANN *Jamestown*

Gamma Eta Gamma
Chaplain (3)

"It is safer being meek than fierce."

Coming from Jamestown, Roger first had to learn the English language in this country. He then took to reading the wildest stories of the West — of hoofs, bronchos, guns and cowboys. But, besides this manly recreation, he studied law and has always been a dependable student. When he became a Gamma man they called him "Rip" because he was always at least one lap behind. Since then he has become well caught up, and, as we understand, the fair sex has played no mean part in bringing about this change. We know Jamestown will soon boast of this promising young man.

MORRIS KOFFSKY *Albany*

Forum
Dance Committee (3)

"Ab initio", Morris has been quite a conscientious law-student; his recitations are filled with technical legal verbiage; he puts his heart and soul in his work to such an extent that he does not even notice his seat removed from under him while reciting. He has a vivid imagination, and around State College travels incognito as "Maurice, from Union". "Moe" has been accused of pulling some "fast" ones in class, and he has served well as the originator of some clever stunts to divert from dry lectures. The rumor has it that Morris is going into business as a pledgee, but he assures us that he intends to practice law in Albany.

ARCHIE R. LAPE *Hammondsport*

Try as we may, it is impossible to recollect any occasion when Archie has blushed and stammered, "I haven't got that case". On warm spring afternoons, when the balmy air suggests almost anything except reading cases, you will always find Archie in the library with a pile of books stacked before him, carefully gleaning knowledge of the law. With this self-mastery to begin with, it is not diffienlt to prophesy concerning Archie's future at the Bar but, nevertheless, we can add a wish for good luck — and so we do.

C. EMORY LOCHNER *Albany*

Forum (1) (2) (3)
Chancery
Justinian
Debating (2)

"*Brevity is the soul of wit.*"

This lad got the jump on most of us by packing away four years of classical education before joining our ranks. He now maintains a dizzy height near the top of the class without appearing to work on holidays; takes prizes — though not so many as to be vulgarly ostentations about it; is a master of plain and fancy debating; and a great — ah — favorite with the fairer sex. He is also tremendously clever with his fingers, being able to fold and unfold the entire sport section of the *New York Herald* without a rattle and with only one hand, an accomplishment, need we remind you, that has been sought after by literally generations of students with but varying degrees of failure. In fact he seems to be a splendid argument for college education, which suggestion we offer to the Forum free of charge.

WILLIAM LUTZ *Rochester*

Gaze upon the smiling countenance of our own Bill Lutz, and see for yourself if said physiognomy does not portray the two virtues of an ardent lover: chivalry and innocence. Bill, we dare say, is the only man in '28 that dared go out with two "wimmin" at one time — one was his mother and the other his sister. Nevertheless, he has a soft spot in his heart for a certain "lily" from the Flower City we hear. The keenness with which he portrays the multitudinous details of adjudicated cases goes a great way in convincing us that Bill will be a successful barrister.

JOHN F. MACAREVEY *Troy*

Gamma Eta Gamma
Kappa Beta Phi
Devil's Own
Vice-President (2)
Senior Dance Committee

There has been a long contest between Mac and Bob Rickards during their careers at law school, for each one bids fair to surpass the other as a shining example of the efficacy of Mellin's Baby Food. Mac justifies that old maxim about fat men's being good-natured for it is difficult to find him without a smile on his face. And when we realize that this smile has weathered such a strenuous performance as commuting from Troy each day, we must recognize a man of unusual capabilities. 'Tis well, 'Tis well, 'Tis well.

Robert Lee Marshall *Albany*

Phi Sigma Kappa

Look girls, but gaze not too long, else your hearts will be irrevocably lost to this young Adonis. To look at Bob's boyish face one could hardly imagine that he ever has a serious moment. But after talking to him for a while one discovers that Bob has sound opinions and good ideas on many subjects, including the law. But we often wonder what Bob would do if he were to lose some of that quiet dignity with which he conducts himself. It is not generally known, however, that Bob is a speed demon when driving a car. Put him back of a wheel and the metamorphosis is complete, — around curves, on two wheels and on the straight away, oh dear! However, we feel tolerably safe when riding with Bob — provided he is using both hands with which to guide the car.

Clifford W. McCormick *Chateaugay*

Executive Committee (3)
Forum

"Red" is the boy from the farm in Chateaugay. So far as we know, he has only one bad habit. He will insist on stopping people in the halls or on the street or wherever they are and telling them how hard a farmer's life is. If you want to see a flash of red-headed temper, tell him a farmer's life is easy. Horatio Alger has already written Clif's biography. You remember the story of the farmer's boy who went to the city, resisted all temptation, worked hard, and finally returned to the old homestead in time to save it from the village Shylock. That's Clif. Hard-working, industrious, impervious to the wiles of the city, and sure to succeed.

KENNETH P. MCKEON *Hoosick Falls*

Phi Sigma Kappa
Executive Committee (3)
Invitation Committee (3)

At the end of his law school career Ken will be better equipped to combat the cruel hard world than most of us as he is not only versed in the law but in library work as well. To see him in the library at times with a puzzled look on his face one would wonder whether he is pursuing an intricate legal problem or cogitating regarding the disappearance of a New York Report. However, when Ken gets away from the law books he becomes a changed man, we understand. Ken believes in the well-balanced life — enough work and enough play. We feel sure that with this philosophy you will succeed, Ken.

JULIUS MUFFSON *Albany*

Phi Sigma Delta
Treasurer (2)
Chairman, Executive Committee (3)

"I play a feedle."

"Julie" is the diminutive character that blossoms forth every Monday morning with a new fraternal pin upon his coat-lapel. "Muffy" has two pet pastimes: joining organizations and driving around in his new French car (Chevrolet). With "Roy" he comprises the nucleus for the Law School Syncopators, and he certainly can get off some sweet strains from his small-sized violin. In passing, we might say "Julie" has the bad habit of arriving at "proms" fifteen minutes before closing. All in all, "Muffy" is a good fellow, and we wish him lots of luck in the practice of law.

JOHN D. MUNSIL *Ellenburg Depot*

Forum (1) (2) (3)
Forum Rules Committee, Chairman (3)
Executive Committee (3)

Do you remember the day when the class went wild for ten full minutes and Comiskey broke two books and three desks? That was the time when John told Mr. Ford, "I haven't that case." For an instant there was an astonished hush, then bedlam broke loose. But John wasn't really to blame. It was Monday morning and he had just returned from his first week-end trip in three years. Johnny gained fame by being the only one of the seven judges in the first Forum moot trial who was too kind to ask the struggling "attorneys" any questions. Quiet, studious, and good-natured — these qualities, combined with his keen analytical powers, will carry him to the top of the profession.

EDWARD E. O'BRIEN *Johnson City*

Freshman Dance Committee, Chairman
Justinian
Vice-President (3)

To tell the truth Ed is the man who caused Johnny Munsil to fall from grace on that Monday morning already mentioned. He roomed with Johnny this year and when the latter saw him pack his bag every Friday morning and catch the noon train for Johnson City to see the sweet beloved — what could Johnny do but feel the urge? Ed was almost convicted of a dastardly murder this fall, but his imagination pulled him through. And what an imagination he has! We hope the dear one reads this so she may be warned. Ed sits in the middle of the "Turbulent Corner" and regales us with stories of the "Four Horsemen of Notre Dame" and honestly, if they and he did all he says, that school hasn't a building left.

JAMES MITCHELL O'BRIEN *Cohoes*

"For men may come and men may go,
But I go on forever."

We want you to meet the Hope of Cohoes and are sure he will meet you more than half way — probably with a wadded newspaper or a snowball (in season), for his slogan is "Say It With Missiles" and his eye is like a telescopic sight. We suspect that that delicate stage whisper of his was developed in competition with the Falls of his native city or its busy machinery. But Jimmy and his Ford Interurban, his imaginary saxophone et al., add immeasurably to the gaiety of nations, and, as they say, "with all his faults we love him still" — which he never is.

JOHN W. OLMSTEAD *Potsdam*

Phi Sigma Kappa
Kappa Beta Phi
Devil's Own
Forum (2)
Junior Prom Committee (1)
Inter-Fraternity Council (2) (3)
President (3)

Here he is, girls, don't crowd, our dear little president. His motto is "A blanket tax forever". However, like all great ones he has been harressed by a minority at times, led by the doughty "Hal". Jack came to us from the north which reluctantly permitted his leaving and arrived here with the intention of living the life of a recluse and devoting all his time to the pursuit of our jealous mistress. But that was not to be. He counted without his genial personality and his capacity for making friends. So finally he was forced to content himself by curtailing his hermit-like ambitions and giving more time to his friends. Well, Jack, with these few observations we will bid you adieu. 'Tis well, 'Tis well, 'Tis well.

JAMES E. O'LOUGHLIN *Schenectady*

Phi Sigma Kappa
Junior Prom Committee (2)
Freshman Dance Committee
Banquet Committee (1)
Marshal (3)

"In those days Beau Brummel set the style."

Meet the well dressed man, gentlemen, absolutely correct, sartorially — and otherwise. Jim knows what one should wear on every occasion and to every function — which a gentleman would attend, of course. Jim has only one rival for sartorial impeccability, and really he isn't a rival, you know. Ask Jim. But this scion of a noble Schenectady family has other interests that aid in occupying his time. He is faithful in wooing that jealous mistress, the Law, and several others.

PAUL LEO OWENS *Bayonne, N. J.*

Freshman Dance Committee
Cap and Gown Committee

Here indeed is the man versatile, our own Paul. He is equally acquainted with any subject, — history, religion, politics, or what have you. As far as we have been able to discover he has only one questionable habit, that of chewing gum, but that by long practice has now developed into an art. To watch him manipulate a stick of Wrigley's is really fascinating. Paul's best friend is Ed O'Brien and when they work together as a team they are unbeatable. Paul has a fascinating manner with the fair sex, they say. Blondes particularly are susceptible to his magnetic influence. However, he's a hellava good fellow.

JOSEPH L. PETRUNICK *Syracuse*

Key Committee (1)

Joe has been a source of wonderment to the boys for three years by reciting cases in any course by simply a glance at the morning edition of the *Herald Tribune*. We never knew that newspapers contained so much law. He is also recognised as the speed-skating champion of the Albany Law School. And we must not omit his attraction for the gentler sex. With such a diversity of attainments can we doubt his success?

CHARLES W. POTTER *Granville*

Delta Chi
Chancery
Chairman Senior Banquet Committee

Rumor had it that Charley was accustomed to burn candles on the altar of Morpheus, as one of that god's most loyal devotees but this year we were shocked to find that Charley was the first to insist upon party organization for the Senior class elections. This we might have explained as a natural result of Mr. Lynch's new book, "Boss Tweed", but when Charley deserted his seat in the back row for one immediately in front of the lecture platform, everyone was aghast. Perhaps this typifies Charley's ambition to begin the Big Work and, as we know he is not lacking in Inspiration, we unhesitatingly predict success for him.

THE VERDICT

HELEN M. PRATT *Dansville*

Key Committee (1)
Honorary President (3)

What a debt we owe her native town for sending us this, her most talented daughter! Though we've only a vague idea where Dansville is we are none the less grateful, for Helen adds a savour of wit, more than a share of knowledge and a certain dignity to our daily proceedings, that have become quite indispensable. Her recent unanimous election to the presidency of the Back Row and an honorary seat on the Case Exchange are the merest indications of our esteem. And when she leaves us she cannot help but take the good wishes of us all both for herself and the firm of Pratt & Pratt.

ROBERT P. RICKARDS *Albany*

Chancery
Executive Committee (3)

Ladies and gentlemen! We are proud to have here with us the possessor of the largest and most permanent smile in the school, one whose radiant countenance cheers blue Monday, calms restless Friday and makes brighter the days between. Though no Pollyanna, this blue-jowled Cupid of ours has been known to grin through such a national calamity as a Real Property examination and not have a committee appointed for him afterward. In a word, he is the boy that made Pepsodent famous. Therefore, ladies and gentlemen, we take great pleasure in introducing to you the one and only Tex (Himself) Rickards, in person . . . We thank you!

1928

JOHN FRANCIS ROCHE, JR. *Albany*

Chancery
Forum
Vice-President (1)
Executive Committee (3)

Here we have no ardent wooer at the shrine of Justice, but rather a student of human nature and an embryonic politician. Never at a loss for words — except in the Dean's class — always ready with a joke or a story, John moves among us with his never-failing laugh. He learns more about politics from the gang in his father's cigar store in a week, than the rest of us learn in a year. We predict a brilliant future for him not only in politics but also in the practice of the law.

BENJAMIN B. ROGERS *Mechanicville*

Kappa Beta Phi
Devil's Own
Secretary and Treasurer (1)

And there came three gamboleers — Bud, Bill, Ben — exponents all of the collegiate man, the gentleman lawyer, the regular fellow. Ben is a commuter and, strange to say, he enjoys that early morning jaunt on the D & H. We presume it is because Ben prefers home cooking — and we might also add — Blondes. A more likeable fellow would be hard to find — and combine this trait with a thorough knowledge of the law and you have success. The field is large, Ben — we wish you luck. 'Tis well, 'Tis well, 'Tis well.

GEORGE RUSK *Marlboro*

Justinian
Chancery
VERDICT Board
Forum

Yet again has the farm produced a superior man! This lanky fellow is the possessor of many capabilities, to wit, a keen mind and an abundance of good fellowship. George is a good friend and a worthy opponent. While ranking among the scholastic leaders of the class he has found time for other manly endeavors. When the highways are open between the capital city and the fruit district of Ulster county, he may be found thereon almost every week-end. 'Tis said that in this manner he replenished the spirit and body. Here's bottoms up to your continued success, George.

WILLARD AUSTIN SANN *Albany*

President (1)
Toastmaster (1)
Kappa Beta Phi
Devil's Own
Executive Committee (3)

Bill guided the destinies of the class through the first year at law school. Under his capable leadership the "Cream of the Cream" was kept sweet and prevented from becoming sour. During the summer months when the influence of the boys was lacking, Bill was pledged and initiated into the order of the Benedicts, and this year we don't see as much of Bill as before—domestic responsibilities probably. But that doesn't prevent us from wishing him the best of luck in the future. 'Tis well, 'Tis well, 'Tis well.

HARRY JAMES SCHELL *Ilion*

VERDICT, Business Manager
VERDICT (2), Advertising Committee
Gamma Eta Gamma
Banquet Committee Chairman (1)
Chancery
Forum

"The man who lives up to all his opportunities seldom needs but one."

Harry is our Real Estate broker. He need never worry about his success at law with such a field to fall back on. But why should we speculate as to his future success as a lawyer? That is a certainty. He is an entertaining conversationalist at all times — and especially so when speaking of money. His keen business ability is well manifest by his business management of this year's VERDICT. Here's to you, Harry, may we hear from you later.

H. ANDREW SCHLUSBERG *Utica*

Phi Sigma Delta
Treasurer (3)

After dabbling in pharmaceutical work for some time, "Hy" decided to study law, among other things. He came to us a full-fledged collegian — in spirit and otherwise. Occasionally he gets to school to attend one of the ten o'clock classes — that is when Stein's alarm clock is working. Despite this fact, "Hy" usually manages to come through with flying colors when unexpectedly called upon. In his spare time "Hy" works down near the Hampton dispensing thirst-quenching potions. It has been rumored that in his absent-minded way "Hy" occasionally samples the product of his labors. All in all "Hy" has proven himself to be a likeable fellow. We predict "Hy" will do well at the "bar".

ALANSON PAGE SMITH *Gloversville*

Here is a young man who takes himself and his work very seriously. In spite of this, however, he always finds time to engage in witty repartee with his classmates. It would be more to Page's liking if the classes were held in the library for his efforts to move the library down to the classroom at the rate of two books an hour have been as yet unsuccessful. We know that his steady and serious efforts are bound to bring success to Page.

LYNN WALLIS SMITH *Pulaski*

Forum (1) (2) (3), President (2)

Lynn might be aptly termed our class statistician. If you are in doubt as to the number of front steps on the Capitol, or who won the World Series in 1908 just ask Smith and you will receive the correct answer at once. His earlier training was in the potato fields of Pulaski but he quickly adapted himself to Law School ways and it was not long before he was teaching his classmates what a valuable asset a "poker face" is. In our second year Lynn entered politics and as a result he conducted Forum meetings for the last half of the year in a masterly manner. He is a staunch friend and a good student and we expect him to attain great heights in his legal career.

JOSEPH JOHN SPILLANE *Geneva*

Phi Sigma Kappa
Banquet Committee (1)

"Women must eat"

All hail the Dean's jester! Joe is a living refutation of the old adage that "it is the woman who pays and pays and pays." This favorite of fortune has been known to call the head-waiter at the Band-Box by his first name. This modern philanthropist often sojourns at Child's where he gallantly attempts to keep the wolf from the door of winsome damsels. Since coming to law school he has made many friends. We anticipate a brilliant future for you, Joe, in those days to come when school days are but pleasant memories of happy days.

GEORGE W. STEDMAN, JR. *Albany*

Freshman Member Junior Prom (1923)
Senior Banquet Committee
VERDICT Board
Chancery
Delta Chi

George has had every case he has been called for this year. But that isn't because he is studious. You see, he sits in the middle of the first row. Tall, slim, and aristocratic-looking — the picture shows how good-looking he is — George is also very conservative, a heritage from his lawyer ancestors. In fact, conservative isn't strong enough. George insists that never in his life has he taken a longer week-end from school than from Wednesday noon to the following Tuesday! And he never does that more than once a month. Too much conservatism is bad, but we hope he will overcome it. In any event, he is sure to be successful.

LE ROY STEIN *Elmira*

Freshman Dance Committee
Chairman, Cap and Gown Committee

Instead of the proverbial golden-spoon, Roy was born with a saxophone in his mouth, and for three years has been serenading Albany, and syncopating his way through Law School. 'Tis said he can make the most noise on a clarinet. Time was when Roy would make flying trips to such places as Syracuse and Rochester, but he has been concentrating on Albany for quite some time past. You can generally find Roy in the company of "Hy", his inseparable help-mate, whom he keeps out of mischief with his continual saxophone "crooning". We hope Roy will be successful in "playing" the juries into some "harmonious" verdicts.

JULIAN A. STOCKING *Rochester*

Gamma Eta Gamma

Here is one of the buds from the flower city of Rochester. "Socks" joined us in the middle of the Junior year and has always been very attentive and reticent in class. His amiable and jovial disposition makes him welcome in any circle. We feel certain that worrying will never be the cause of his premature aging but there is no doubt that hidden behind this screen of care-free nature are many latent abilities. May you use them well, Socks, and as a flower from the bud, be a laurel to the fair city of Rochester.

J. Vanderbilt Straub *Albany*

Delta Chi
Justinian
Chancery
Verdict Board (1) (2), Editor-in-Chief (3)
Debate (1) (2) (3)
Inter-Fraternity Council (2) (3)
Vice President (2)
Executive Committee (3)

It would be difficult for even a suborned witness to remember a time when Van was not winning prizes, and the wonder is that he is not round-shouldered carrying them home. But so modest is he withal that he puts to shame many of us poor plodders who are set up for days after guessing the right answer to an easy question. Like all real geniuses Van has his foibles, such as beautiful visceral charts at mock trials and brilliant neck-wear; while as a side line he is trying out a new model stiff collar, which is to be called — you have guessed it already — the "Van S". And lest we forget! Among his many gifts is an ability to run things, which has made him what he is today — our Editor.

Lansing Sweetser Thornton
Wynantskill

Executive Committee (3)

Quiet, unassuming — a shining example of the old saying "Still water runs deep", Lansing came to us very well recommended, having attained high honor in his preliminary education. He has maintained the good work here and it is readily seen that he has chosen the right field for his endeavors. Like all great men Lansing has a hobby — he likes to hunt and, when not busy in the pursuit of the law, he is likely to be found with his gun out in the great open spaces in pursuit of game. We do not hesitate to predict great things for Lansing.

LEO ROBERT TOOMAJIAN *Troy*

Forum (2)

We wonder how Leo's good nature and his ever-ready smile have prevailed for three years under such trying circumstances as riding the Troy local twice daily and trying to coax legible sheets out of the mimeograph machine. He recites very fluently on all his cases, going into details in such a manner as to leave no doubt in the minds of the instructors that he has read his cases. His quiet and placid nature, together with his unfailing sense of humor, have made Leo well liked by all his classmates and, no doubt, will be enviable assets with which he will prosper in the practice of law.

STANLEY M. TREYZ *Middletown*

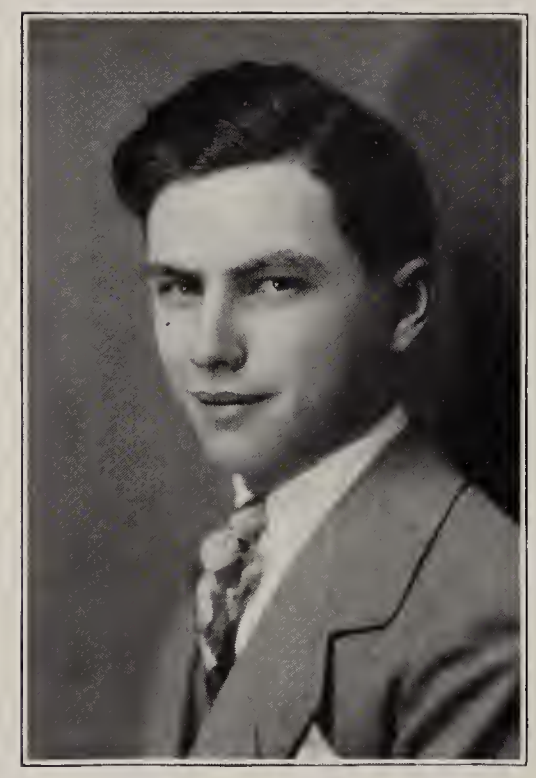
Delta Chi
Kappa Beta Phi
Devil's Own
Senior Representative, Athletic Council

Although Stan only joined us this year, he has by his agreeable disposition and pleasing personality won a place in the good will of the class. It is a pleasure to note how confidently he expounds the law by quick sidewise glances. These characteristics, combined with his fair features, explain the mystery shrouding his alleged power over the fair sex. We have no doubt but that Stan will make his mark high both in the legal profession and the world at large. 'Tis well, 'Tis well, 'Tis well.

GLADSON P. TRIMBLE *Holley*

Chancery

Joe has attained the distinction of being one of the few five-letter men of the class. Lest this be misunderstood, we must explain that we mean five letters a week in the school mail box. Even though correspondence takes up much of his time he manages to find time for his school work, too. The climate of Albany seems to agree with Joe for his figure has increased perceptibly during his sojourn with us. Despite his mild and quiet demeanor, he has established himself among his classmates as a good fellow by participating in their fun and extra-curriculum activities. We know that with his aptitude for hard work and his good nature Joe will travel far on the road to success.



GEORGE S. TRIPP *Watertown*

Gamma Eta Gamma
Kappa Beta Phi
Devil's Own
Justinian
Junior Prom Committee, Chairman (2)
Senior Ball Committee (3)
Inter-fraternity Conference (2) (3)

"*Thy modesty's a candle to thy merit*".

Here is the paradox of the class. No one has ever been known to have caught George overworking and yet he is one of our Justinians. Perhaps those who have watched him in class can account for it. He seems to have an unparalleled faculty for keeping interested. What shall we say of him as a real fellow? A fleeting glance at his record above speaks for itself. No one who knows George well doubts that his keen mind, his interest in his fellow man, and his agreeable personality will make him stand out in the future as a real lawyer. 'Tis well, 'Tis well, 'Tis well.

HENRY R. VISKER *Randolph*

Phi Sigma Kappa
Kappa Beta Phi
Devil's Own
Senior Dance Committee

Henry to one — "Hank" to the rest. But what's in a name? Hank is a regular fellow, a smooth boy, a glutton for work. We understand that in addition to the regular law school work Hank is taking the "Brill" review course. You're on the right road, Hank, and you're bound to succeed. Here's to you, boy. 'Tis well, 'Tis well, 'Tis well.

WESLEY L. WAITE *Watertown*

Gamma Eta Gamma
Junior Prom Committee (2)
Senior Banquet Committee

"There's luck in leisure."

"Wes" comes from that northern section of the State known as Watertown — quite a handicap to be true, but civilization is offering a helping hand. His principal vices are playing hearts — cards, of course — and grafting cigarettes. He has a faculty of leaving the classroom at the opportune moment, when cases are running low. We are well satisfied that he never causes a disturbance except when he expresses himself on legal principles. We are further satisfied, however, that his sincerity, ambition and readiness to take part in legal battle will gain for him an eminent place at the Bar.

ADAM V. WASILESKI *Utica*

Forum (2) (3)

All hail the Tammany Tiger from Utica. Adam has been "mixed up" in Utica politics for some time now. In fact, unknown to all, he was a prominent factor in the last campaign. Current reports are that he is still running for something or other. No doubt, this accounts for the vast supply of cigars which he seems to have been "sporting" all year. Lest we forget, we must record the fact, that, like all gentlemen Adam has an obstinate preference for blondes. Adam's hobby is making flying trips home, and we wonder if one of the aforesaid blondes is the motive. Adam says he is going to settle down in Utica and practice law. The best of luck, "Wasi".

ROGER C. WRIGHT *Watertown*

Gamma Eta Gamma
Secretary (3)
Chancery

"The elements were so mixed in him, that nature might stand up and say 'This was a man!'"

Our handsome friend Roger as a real good fellow is without equal. We can spare no words in praising him. One can always depend on receiving a friendly greeting and a bit of dry humor on meeting him. Roger is a good student and promises to be a good lawyer, a man of character. It is rumored that "Rog" is a helpless victim of the wiles of Cupid. Time will undoubtedly prove the truth or falsity of this statement. Best wishes to you, "Rog", in every pursuit.

Senior Class History

That it may not be said of us as Gray reproachfully wrote of the village swain,

> "For who, to dumb forgetfulness a prey,
> This pleasing anxious being e'er resigned,
> Left the warm precincts of the cheerful day,
> Nor cast one longing, lingering look behind?"

a few pages of our Year Book are fittingly dedicated to retrospect.

Having successfully passed the ordeal of the "selective process" and being styled as the "creme de la creme" we were assured by the Dean we would be associated with some "very nice boys" during our legal courtship. He might have added girls, too, "the last of the Portias". Be that as it may, some of us were to be disappointed. One of us was to be courting two mistresses, Law and one of the Portias.

The distinction befell us of being the last gathering of Neophtyes to assemble in that hoary edifice at 249 State Street. Hence it is a holy and wholesome thought that causes us to recollect briefly our association within its revered halls.

Our first assembly was in the Junior room, the panels of which were inscribed with impressive English and Latin definitions of the elusive myth we were embarked to capture. Our timidity was somewhat assuaged by a few remarks about us individually and collectively and some words of fatherly advice to read Browning for intellectual exercise; i.e., when not reading cases.

One hundred and twenty alert, but verdant, minds then repaired to the Freshman quarters to begin sowing the seeds of legal knowledge by an introduction into its fundamentals. We sat and the professor stood. How often the procedure was to be reversed physically. But figuratively we know he still stood for a lot of our nonsense and so he will "ad infinitum".

Our log records clear sailing for the first few weeks until lo, the spirit of Julius Caesar nearly coerced us into an unprecedented class election, leaderless and confiding lambkins that we were. But see; the shades of noble Antony and Brutus arise and our "president" met the fate of all autocrats. The class election was saved from undesired innovation and the laurels went to Bill Sann.

Those of us who had plenty of everything except money were able to beat our expense account for one day by the generosity of our Dean's annual reception. Thereat it developed that some of us were Benedicts. Surely the way to a man's heart is through his stomach. Our Dean knows his menu.

That the majority of the "Frosh" were not Benedicts was evidenced at the Freshman Dance which was well attended.

THE VERDICT

Christmas came and Santa Claus being occupied with the very small children first, his presents did not reach us until late in January. McKeon was delegated to hand out the reports and the old Freshman room looked like a minature stock market when they were read. To quote from the late Judge Lawyer, "there were the usual casualties" and more seating capacity for the balance of the term.

The laurels of oratory were awarded our Freshman class when in a contest for the Cardozo prize with Juniors and Seniors, the second award went to Bob Comiskey who was destined to bring honor to our Junior year by winning first prize and thus eliminate himself from further oratorical endeavors.

Those of us who survived the first onslaught were requested to report to 51 Lancaster Street, for the opening of the Junior year. Thirty-five of our number had fallen by the wayside, but filling up the breaches and renewing our resolutions we began the second offensive. Our first important step was to elect "Bud" Deisseroth as president for the Junior year.

After celebrating our victories over the dreaded "mid-years" and congratulating the elite Justinians, our thoughts centered on the Junior Prom, socially successful but like all financial undertakings, entailing the usual aftermath of bills.

The jubilant spirit attendant on incoming seniors was dampened to a degree by the sudden demise of Judge Lawyer, whose qualities as teacher, friend and lawyer need no explanation to those connected with the law school. We also felt the untimely loss of Dr. Gilbert, whose friendly smile and endearing manner will live long in our memory. Requiescant in pace.

After a friendly but intense rivalry for the office of president between Jack Olmstead and Pat Dugan, the honor was voted to Jack, our present incumbent.

The intricate subjects of the senior year were quickly unfolded to us to be assimilated in different degrees. And so, impressed with the importance of our position as undergraduates and deeply immersed in cases, we go plodding along, keeping ever in view the not so far distant beacon of graduation day, when the word "commencement" for us will, in truth, be a commencement of the real test of our metal, our ability and our learning acquired during the past three years 'neath the protecting wings of our Alma Mater, Albany Law.

Senior Class Prophecy

THE falling curtain on the Class of 1928 left the world in a trembling and breathless turmoil. Decisive and threatening problems were facing our country as the impending presidential election promised to mark deeply the pages of our history. The noble Class of '28, renowned for its superiority complex, was the only ray of light piercing the heavy clouds that hung low over the future welfare of our nation. Its infinite possibilities offered some consolation. The fact that as a class it was naturally impossible was not then considered.

Time and the tides have now called to a definite present what was then simply speculations, and not altogether misplaced confidence. Years have passed since that distant turmoil, and the faithful prophet is hereby fulfilling his Oath of Office by recording, for those interested, the results of a recent and thorough survey of the actual accomplishments of the individual members of this once promising class.

But lo! Only a few of its number have succeeded to the fullest expectations. Grafty Lynn Smith, after constant efforts, has been unanimously elected honorary president of the W. C. T. U., having always been a favorite among the women. Wasileski, as chief proof "reader of briefs" of the Miscellaneous Reports, is a well known member of the bar in Utica, while Connor's nickel-plated voice may be heard as clerk in the Appellate Division any day that court is in session. Benson has been a district leader of the Democratic party in Albany for some years. In the northern part of the state "Bud" Deisseroth, thinking the Prohibition Act needs no further enforcement, is a retired runner-down of the rum runners. MacArevey, who insists that the law is not quite properly enforced, has succeeded him. Judge J. Vanderbilt Straub of the Court of Appeals has written a book on "Why Does the Suspension of the Power of Alienation?"

Among those who have attained less widely known prominence is "Cocky" Cook. He has retired from practice and the firm of Badger & Cook, claiming he could not agree with his partner or his clients. In Boston, "Bob" Comiskey may be found still taking the "Bunk" from the Bunker Hill Monument. He is not expected ever to regain his former eminence as an orator since his over-whelming defeat in the series of Comiskey-Lutz Debates in 1940. "Casey" Chacchia has developed into a great case reader. He reads cases and prepares the brief for Geneva's lawyers.

Haver, Depfer, Al. Decker, Rusk, Trimble, Lape, Thornton, and Coleman have succeeded in forming a new political party whose platform enjoys its chief support from Chicago, Chinatown and certain districts of San Francisco. Haver, in various attempts at heated oratory, has come out strong against blanket assessments and general taxation. Campbell consented to run for President, promising if elected,

to give the people light wines, beer, and free guns. Blake was nominated for Governor, and Cohen took charge of the campaign funds. Ellenbogen gave his support by numerous stump speeches, but forgot the axiom that "you can't fool all the people all the time". "Dimple" Depfer drew the crowds by challenging every adversary to a fist fight.

Ed. O'Brien, "Noisy" Owens, and "Red" McCormick compose a remarkable firm, doing business anywhere. They have not yet got down to real work, as they are of the opinion that they should first read the cases they were unable to read while still at school. They still have a few more to read before they can boast of a clean slate.

Benedict is doing well as an attorney. His name is also associated with the movement to admit the State of New Jersey to the Union. Bresinham is still a retiring member, specializing in corporation cases.

The father of a large family, good old "Clif" Cloud has been County Judge of Sullivan County for years. A few of his decisions have been upheld by the Court of Appeals. "Bill" Compton went back to the boxing ring for a while, but is now running a Domestic Relations Court, and from his great and extensive experiences, patches up many matrimonial difficulties.

Spillane and Doyle are still partners in crime as criminal lawyers, and Wilmot Decker is Mayor of Middletown. "Ken" Dugan's droll, dry humor wins many cases for him, by keeping the jury's mind off the facts.

The girls are not forgotten. Becky Axelrod married a lawyer, but she knows her stuff and keeps "hubby's" wits sharpened by adding a legal atmosphere to their arguments. Helen Gross is a bank president and may be seen daily riding around Albany in her Rolls-Royce. Helen Pratt is Dansville's most popular lawyer. Her good nature wins every jury.

Little "Willie" Hahn hasn't grown any taller or bigger physically. He still has the same brief case that used to faithfully commute daily to Albany from Schenectady. It is still working overtime.

While passing through Belfast (not Ireland) we were arrested for travelling fifteen miles an hour. When summoned before Justice of the Peace Hasper, our surprise was equalled only by our delight. He was somewhat disappointed. It was the first case in some time, and he could not exact the extreme penalty on his old friends. But the town needed the money.

Having always been an avowed "wet", "Sox" Stocking is a marine lawyer. Jack Hotaling runs for Mayor of Oneonta every term. His picture on the political posters assures the success of the party. "Stan" Hicks is a Prohibitionist Congressman. Isenberg grew a new crop of hair. His picture may be found on any bottle of "Presto" hair tonic. But his fame did not stop here, as he is one of Albany's foremost attorneys. "Rip" Kaadtmann took the *Call of the Wild* seriously and went West. His ambitions have been realized. Sheriff and lawyer in Texas, he carries a gun, keeping order by his steady aim.

"Mo" Koffsky and "Muffy" Muffson are doing well as partners in Albany. They compromise all claims. Lochner is a little giant of the profession and legally no one can look down on him. Senator "Johnny" Munsil's modesty and ability have pushed him far ahead as a politician and lawyer.

Petrunick finally answered one of Corpus Juris' advertisements and is now selling that set of books in his spare time.

At last Cohoes has been put on the map. Little "Jimmy" O'Brien, by a well-advertised real property boom succeeded in getting some Americans to move to Cohoes and invest their money. He is Cohoes' only lawyer.

In this late day of our civilization women jurors are nothing to wonder at. But when our legal careers first commenced, we can remember that New York's laws did not allow women on the jury. This annoyed "Johnny" Olmstead and "Tiny" O'Longhlin. They rallied McKeon, Treyz, and Sann to their ranks to bring about the necessary legislation. All were members of the Assembly at the same time. That made it easy. All modestly attribute their success as lawyers to their ability to appease the wiles of the women jurors. "Wes" Waite has accomplished a great deal since then also, but there is a constant complaint that too often the women know him too well.

Charlie Potter, Roche, Page Smith, and Toomajian form our Bachelors' Club. "Slim" Rickards is a little stouter, but his corpulence is an asset more than a draw-back. Those who have seen him on the Albany County Court's bench know how "like" a judge he looks.

Mechanicville is a little better place to live in since "Benny" Rogers cleaned it up as Mayor of that town.

Visker made his money at an early age and is on his fifth trip to Europe. He likes Paris.

Schlusberg's pleasant personality made him a leader in Utica. He cleaned politics up a little.

One of our multi-millionaires is Harry Schell. He never lost his propensity for making money. As a lawyer he has no equal in Ilion.

Tripp is a corporation lawyer and has not disappointed us.

"Roy" Stein was told that no saxophone player ever lives long. So he gave it up. He is now Attorney-General of the State, having defeated Brill in the last elections.

Stedman's fine qualities carried him to the Governor's mansion with the Progressive Party; while "Rog" Wright, who is just as pleasant as ever, is Vice-President of the United States.

So, you see, the Class of 1928 has produced some famous men. We understand, also, that the old spirit still is present and that the same harmony which governed while they were undergraduates may be seen at every re-union, unless someone mentions the term "blanket tax". But it is gratifying for me to record that wherever brains or brilliance is needed, this country has turned to the members of the Class of 1928.

The Dawn

Lulled by stupefying illusions, we have dreamed of a future pride;
A hope to become a lawyer who is right on any side;
Asleep in the cradle of infancy, dreaming away the hour,
The dawn of awakening has broken, and the time has come to cower:
The hour of dawn is the oldest; we must arise and face our task;
The rays of the rising sun have warmth — but we'll have no time to bask.

The task of our day is the "Race of Life", and the prize is "Respect and Position";
The course we have chosen is a well beaten track, but many sit there with contrition.
The path we are on has a tempting wayside which is scattered with apples of gold,
The gods and the demons contrive this, who watch if our purpose will hold.
Let not these glitterings allure you; they'll detain you and add to your load.
If you strive hard in your purpose, there'll be gold at the end of the road.

Friends we have made while we studied, and friends we shall be tho' parted.
As friends, we can cheer each other along, for now the race is started.
To those who run along with speed, keep up the pace you set!
To those who slowly move along, don't stop to grieve or fret!
Let not the glitterings allure you, they'll detain and add to your load;
If you strive hard in your purpose, there'll be gold at the end of the road.

Albert T. Decker '28

JUNIORS

UNION UNIVERSITY
CHARTERED APRIL 17, 1851
DEPARTMENT OF LAW

THE VERDICT

1928

UNION UNIVERSITY
CHARTERED APRIL 17, 1871
DEPARTMENT OF LAW

William S. Cole
President

Junior Class Officers

William S. Cole	*President*
Clare L. Touhey	*Vice-President*
Andrew S. Kowalczyk	*Secretary*
Luther I. Webster	*Treasurer*

Harold Alexander, et al. Plf., vs. Class of '29, Def.

The defendant, the class of 1929, by C. Lass History, its attorney, answering the complaint of the plaintiff herein, admits:

First, That the defendant is an extraordinary company, that "Stub" Cole is President of said Corporation, and that Johnnie Burns was in the year of 1926 and 1927, a member of the said Class, and is still a member; that he was a gentleman, a scholar, and, by his last brave deed, a hero; that said Company has built for him deep in its heart a monument in memoriam.

Second, That said Company was incorporated under the laws of 1926, upon the merits of each respective member's plea, and the manifestations displayed to the plaintiff of a legal mind.

Third, That the Charter of the Corporation on its face, did seem to indicate that said Company was duly organized for the sole purpose of practicing law.

But the defendant answering the aforesaid complaint denies:

First, That this defendant does now practice, or ever has practiced, and is in great doubt whether it ever will practice, as alleged by the plaintiff, the learned profession of the Law — at least, without the plaintiff's consent; and as proof thereof alleges:

a. That the extraordinary activity of the defendant in vetoing a Junior Prom is conclusive evidence of the defendant's unbelief in Stare Decisis;

b. That the adoption of governmental supervision in Torts I and II was due solely to the demands of Public Policy, and not to the wish, will, and desire of the defendant as alleged;

Second, That Hal Vrooman was ever present at a meeting of the defendant's Board of Directors in Mr. Andrew's lectures.

Third, That Luther Webster has ever during his alleged membership in said Corporation opened, or had access to N. Y. or A.D. reports.

Fourth, That Johnnie Learned legally acquired stock in Justinian, but solely, and alone, by virtue of his eloquence, and persuasiveness, did coerce the learned Registrar into the sale of said stock.

Fifth, That said Corporation is among the best classes ever matriculated in Law School, as alleged, but claims that it is, The Best.

Wherefore: The defendant demands judgment against the plaintiff for admission into the Senior Class, and for the secret formula now held in the exclusive control of the plaintiff, for acquiring a legal mind.

C. Lass History, Jr.
Attorney for the defendant.

Class of 1929

Donald Hallenbeck Allen, A.B., *Hamilton College*	Albany
John Joseph Babé, *Rens. Poly. Inst.*	Albany
John Harris Baker	Watertown
Joseph Newburger Barnett, *Union College*	Amsterdam
Henry Sheridan Bayly, A.B., *Catholic Univ.*	Troy
Owen Matthew Begley, A.B., *Union College*	Schenectady
Robert Groesbeck Blabey, *Union College*	Albany
Albert Thomas Bolles, *Norwich Univ.*	Bellows Falls, Vt.
Henry Austin Brand, A.B., *Union College*	Central Bridge
Kenneth William Brett, *St. Lawrence Univ.*	Watertown
Raymond John Cairns	Rensselaer
Anthony Bertram Cheer, *Bucknell Univ.*	Elmira
John Henning Cogan, Ph.B., *Brown Univ.*	Saratoga Springs
William Sterling Cole, A.B., *Colgate Univ.*	Albany
John Charles Consroe, *Univ. of Michigan*	Cortland
John Joseph Donohue, *Manhattan College*	Albany
Richard Thompson Evans	Rochester
John William Fink, Jr., *Colgate Univ.*	Newburgh
Paul William Gallagher, *Niagara Univ.*	Utica
John Joseph Glavin, A.B., *Georgetown Univ.*	West Albany
Sidney Burton Gordon	Cape Vincent
Herbert Van Auken Hall, A.B., *Columbia Univ.*	Tarrytown
Richard Stone Heller, *Lehigh Univ.*	Elmira
Jeremiah Israel Hinden, A.B., *Union College*	Schenectady
Emmott Howd, Jr., B.S., *Colgate Univ.*	Troy
Harold Joseph Hughes	Rotterdam Junction
Samuel Jacobs, A.B., *Union College*	Amsterdam
Henry Kass, Jr., A.B., *Harvard Univ.*	Albany
Michael Philip Khouri, *Washington College*	Newburgh
Abraham Kleinberg, *Cornell Univ.*	Albany
Andrew Stanislaus Kowalczyk, *St. John Kanty College*	Utica
Francis Raymond LaClair, *Niagara Univ.*	Syracuse

THE VERDICT

Robert Ambrose Landry	Ogdensburg
James York LaRue, B.S., *Colgate Univ.*	Philadelphia
John Adams Learned, Jr.	Scotia
William LeRoy LeFevre, *Union College*	Albany
Eugene Frederick Lester	Brockport
Vernon James Loveland, *Univ. of Vermont*	Center Rutland, Vt.
Anthony Lucas	Schenectady
John Irving Lynch, *Syracuse Univ.*	Auburn
Victor Albert Macomber, A.B., *Syracuse Univ.*	Amsterdam
George Francis Mahar, Jr., B.C.S., *New York Univ.*	Albany
Charles Gerard Maloy, *Manhattan College*	Rensselaer
Edward Francis McGrath, *Niagara Univ.*	Watervliet
Joseph Newton Morgan, *Univ. of Rochester*	Rochester
Paul Morreale	Middletown
Robert Terrance Murray, A.B., *Villanova College*	Troy
Nathan Jacobson Newburger, A.B., *Union College*	Amsterdam
Thomas Michael O'Brien, *Univ. of Vermont*	Fair Haven, Vt.
Wendell Vincent O'Shea, *St. Bonaventure's College*	LeRoy
George Marchant Penney	Mexico
Charles Upper Pochel, *Hamilton College*	Niagara Falls
Paul James Powers, A.B., *College of the Holy Cross*	Albany
Lewis Robinson, Jr., B.S., *Union College*	Schenectady
Francis Arthur St. Clair, *Union College*	Whitehall
William Adams Searle, *Colgate Univ.*	Randolph
George Harvey Skolsky, *College of the City of N. Y.*	Albany
Glenn Wilbur Springmann, *Hamilton College*	Glen Cove
John Roland Stevenson, B.S., *N. Y. S. Teachers' College*	Cold Spring
Lloyd Victor Storandt, *Univ. of Penn.*	Rochester
Alexander Ivan Tomanovich, *Wesleyan Univ.*	Rochester
Clare Leo Touhey, A.B., *Univ. of Notre Dame*	Geneva
Harry Stanley Travis, *Cornell Univ.*	Middletown
Harold Clute Vrooman, *Union College*	West Albany
Luther Ira Webster, A.B., *Univ. of Rochester*	Rochester
Sheldon Fox Wickes, *Amherst College*	Ticonderoga
Frederick Clarke Woodruff, *Colgate Univ.*	Old Forge

1928

UNION UNIVERSITY
CHARTERED APRIL 17, 1795
DEPARTMENT OF LAW

THE VERDICT

1928

UNION UNIVERSITY
CHARTERED 1795
DEPARTMENT OF LAW

James J. McGuiness
President

Freshman Class Officers

James J. McGuiness	*President*
Frederick Young	*Vice-President*
Charles S. Tracy	*Secretary*
Benjamin Lazdon	*Treasurer*

Freshman Class History

THE president of Harvard recently remarked that it takes five years for a collegian to recover from the bad effects of college. The boys of '30 take an exception to the remark of the party of the first part, being inclined to think a dose of law school is a vigorous little "get-thee-back-to-the-straight-and-narrow."

The Freshmen found little trouble in becoming orientated as most of them had leather heels before coming to Albany, and it was easy to learn, "That's the one case I lack." Orientation was facilitated by the well-organized politics displayed in the election of class officers, which was entered into with a fine display of good will, and which aided the students in becoming acquainted with one another. An independent party furnished a last minute thrill, and, when the smoke lifted, Mac was warming the president's chair.

The Freshman dance at the De Witt Clinton Hotel, on December ninth, was the most successful and outstanding social event of the school, during the first semester.

The Freshmen take pride in an achievement that is unique in the annals of the school, and which merits more than passing notice. This accomplishment has been the firm resistance to the inordinately importunate and decidedly subversive propaganda by upper classmen in an effort to have the Freshmen make a noise like that of a herd of stampeding bison, at regular intervals of the day. The mechanics of this awe-inspiring effect are accomplished by a series of movements performed simultaneously by all the members of a class, a single movement of which consists in raising the feet, and bringing the heels smartly to the floor with a resounding smack. Despite the fact that it produces a delectable and indescribable sensation to an active participant, high ethical and professional motives prompted the Freshmen to resist, with austerity, the subtle enticements of the upper classmen. This may seem a negative accomplishment, needing but a passive resistance, yet the Freshmen are pleased to treat it as a positive achievement, as an abolition of this practice should have a wholesome and uplifting influence on the profession in general.

As to the future, the Freshmen commend themselves to the powers that be, and hope to enjoy each other's society for more than a year.

Class of 1930

George Smith Allen, *Washington and Jefferson College*	Kingston
Arthur Cavour Aulisi, *Union College*	Amsterdam
Edward Harrison Best, *Catholic Univ.*	Hudson
Albert Joseph Biggie, A.B., *College of the Holy Cross*	Saratoga Springs
William Francis Bishop, *Rensselaer Polytechnic Institute*	Richmond Hill
Thomas Martin Bowes, *Mt. St. Mary's College*	Bath
Marsh Watson Breslin, A.B., *Harvard Univ.*	Albany
Leon Samuel Brumer, *N. Y. S. Teachers' College*	Albany
Ernest George Buhrmaster, *St. Lawrence Univ.*	Scotia
William James Burns, *Niagara Univ.*	Syracuse
Francis Edwin Cogan, *Univ. of Notre Dame*	Canajoharie
Edward James Colmey, *St. Bonaventure's College*	Rochester
William James Comstock, Jr., *N. Y. S. Teachers' College*	Glenmont
Kenneth George Creaser, *Syracuse Univ.*	Whitesboro
Theodore Roosevelt Davies, A.B., *Hamilton College*	Camden
Ralph Richard DeLeo, *Univ. of Notre Dame*	Rochester
Richard Vincent Donahoe, *Univ. of Michigan*	Altoona, Pa.
Edward Charles Doney, *Union College*	Schenectady
Irving Feltman, *Union College*	Albany
Daniel Joseph Flynn, A.B., *Manhattan College*	Cohoes
James Patrick Foley, A.B., *Hamilton College*	Thendara
Donald Ira French	Delmar
Joseph Hyman Gellert, *St. Stephen's College*	Poughkeepsie
Scott Kenyon Gray, Jr., *Univ. of Vermont*	Watervliet
James Joseph Hage, *Union College*	Fonda
John Albert Henry, *Amherst College*	Ilion
Gerard John Hernon	Albany
William Earl Hesson, *Columbia Univ.*	Watervliet
Gordon Azel Hough, *St. Lawrence Univ.*	Herkimer
Leland Stephen Jones, A.B., *Union College*	Cobleskill
Charles Frederick Kaiser, Jr., *Union College*	Youngsville
Charles Albert Keeler	Charlotte
Francis Joseph Kelly, *Syracuse Univ.*	Syracuse
Thomas Victor Kenney, A.B., *Cornell Univ.*	Albany

THE VERDICT

Theodore Salim Koory, *Syracuse University*	Malone
Harold Vincent Lamberson, A.B., *Union College*	Albany
Benjamin Lazdon, B.S., *Syracuse Univ.*	Troy
Robert Joseph Lennon, *St. Bonaventure's College*	Rochester
Robert William Lochner, A.B., *Univ. of Rochester*	Rochester
James Winston Lynn, *Syracuse Univ.*	Utica
Robert Emmet Mahoney, *Univ. of Notre Dame*	Gloversville
John Sutherland Marsh, *Niagara Univ.*	Niagara Falls
John James Martin, *Niagara Univ.*	Schenectady
James John McGuiness, A.B., *Union College*	Albany
Richmond Merrill, *Univ. of Buffalo*	Utica
John William Miller, *Cornell Univ.*	Cohoes
Leo Edwin Mills, A.B., *Univ. of Michigan*	Endicott
John Louis Naskiewicz, *Syracuse Univ.*	Auburn
William Michael O'Reilly, *Niagara Univ.*	Utica
Isadore Gerald Pliskin, *Syracuse Univ.*	Schenectady
John Jacob Powell, *Univ. of Rochester*	Coral Gables, Fla.
Harry Hearst Powers, *Univ. of Michigan*	Fairport
Kenneth Jobert Robb, *St. Lawrence Univ.*	Malone
Howard Albert Sargent, *Syracuse Univ.*	Sandy Creek
George Frank Schoenbrun, *Union College*	Poughkeepsie
Leonard Casper Sharlet, *Syracuse Univ.*	Troy
William Bennett Skane, A.B., *Union College*	Glens Falls
Milford Knowles Smith, *Univ. of Vermont*	Rutland, Vt.
Gleason Burnham Speenburgh, *Union College*	Albany
Walter Stuart Stedman, A.B., *Brown Univ.*	Loudonville
Leo Speed Teitelbaum, *Union College*	Schenectady
Charles Stuart Tracy, A.B., *Union College*	Amsterdam
Arthur Eugene Walker, *Colgate Univ.*	Albany
Freeman Faulds Wallin, *Princeton Univ.*	Amsterdam
George Ferdinand Wenger, *Union College*	Albany
John David Wilde, *Oberlin College*	Binghamton
Egbert Luzerne Wildman, *Lehigh Univ.*	Syracuse
Charles Sumner Wilson, Jr., *Amherst College*	Johnson City
Charles Stanley Wright, B.S., *Union College*	Newark
Eugene Walter Yeomans, *Univ. of Idaho*	Boise, Idaho
Fred Anthony Young, B.S., *St. Lawrence Univ.*	Whitehall
Shepsel Zwetschkenbaum, *Syracuse Univ.*	Albany

1928

UNION UNIVERSITY
CHARTERED APRIL 17 1795
DEPARTMENT OF LAW

THE VERDICT

1928

Phi Sigma Kappa

ROLL OF CHAPTERS

Alpha	*Massachusetts Agricultural College*
Beta	*Union University*
Gamma	*Cornell University*
Delta	*West Virginia University*
Epsilon	*Yale University*
Zeta	*College of the City of New York*
Eta	*University of Maryland*
Theta	*Columbia University*
Iota	*Stevens Institute of Technology*
Kappa	*Pennsylvania State College*
Lambda	*George Washington University*
Mu	*University of Pennsylvania*
Nu	*Lehigh University*
Xi	*St. Lawrence University*
Omicron	*Massachusetts Institute of Technology*
Pi	*Franklin and Marshall College*
Sigma	*St. John's College*
Tau	*Dartmouth College*
Upsilon	*Brown University*
Phi	*Swarthmore College*
Chi	*Williams College*
Psi	*University of Virginia*
Omega	*University of California*
Alpha Deuteron	*University of Illinois*
Beta Deuteron	*University of Minnesota*
Gamma Deuteron	*Iowa State College*
Delta Deuteron	*University of Michigan*
Epsilon Deuteron	*Worcester Polytechnic Institute*
Zeta Deuteron	*University of Wisconsin*
Eta Deuteron	*University of Nevada*
Theta Deuteron	*Oregon Agricultural College*
Iota Deuteron	*Kansas State College*
Kappa Deuteron	*Georgia School of Technology*
Lambda Deuteron	*University of Washington*
Mu Deuteron	*University of Montana*
Nu Deuteron	*Leland Stanford Junior University*
Xi Deuteron	*University of Tennessee*
Omicron Deuteron	*University of Alabama*
Pi Deuteron	*Ohio State University*
Rho Deuteron	*Gettysburg College*
Sigma Deuteron	*University of Nebraska*
Tau Deuteron	*Carnegie*
Upsilon Deuteron	*University of North Carolina*
Phi Deuteron	*University of Kentucky*
Chi Deuteron	*Washington State College*
Psi Deuteron	*University of Oregon*

THE VERDICT

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UNION UNIVERSITY
CHARTERED APRIL 17, 1861
DEPARTMENT OF LAW

Phi Sigma Kappa

Beta Chapter

Established at Albany Law School 1888

FRATER IN FACULTATE

HAROLD D. ALEXANDER, LL.B., M.A.

FRATRES IN LEGIBUS

Seniors

JOHN PEASLEE BADGER
WILLIAM D. BRESINHAM
JOSEPH JOHN DOYLE
JOSEPH JOHN SPILLANE
ROBERT LEE MARSHALL
JAMES E. O'LOUGHLIN
JOHN WELLER OLMSTEAD
KENNETH P. MCKEON
HENRY R. VISKER

Juniors

CLARE LEO TOUHEY
WENDELL V. O'SHEA
ANDREW S. KOWALCYZK
OWEN L. BEGLEY
JOHN J. DONOHUE
HENRY KASS, JR.

Freshmen

JOHN S. MARSH
CHARLES A. KEELER
JOHN W. MILLER
WILLIAM F. BISHOP
WILLIAM J. BURNS
RICHMOND MERRILL

THE VERDICT

1928

Delta Chi

ROLL OF CHAPTERS

Cornell	*Cornell University*
New York	*New York University*
Minnesota	*University of Minnesota*
Michigan	*University of Michigan*
Dickinson	*Dickinson College of Law*
Chicago-Kent	*Chicago-Kent College of Law*
Buffalo	*University of Buffalo*
Osgoode Hall	*University of Toronto*
Union	*Union University*
Ohio State	*Ohio State University*
Chicago	*University of Chicago*
Georgetown	*Georgetown University*
Virginia	*University of Virginia*
Stanford	*Leland Stanford University*
Texas	*University of Texas*
Washington	*University of Washington*
Nebraska	*University of Nebraska*
Southern California	*University of Southern California*
California	*University of California*
Iowa	*University of Iowa*
Kentucky	*University of Kentucky*
Wisconsin	*University of Wisconsin*
Columbia	*Columbia University*
Kansas	*University of Kansas*
Illinois	*University of Illinois*
Iowa State	*Iowa State University*
Idaho	*University of Idaho*
Arizona	*University of Arizona*
Indiana	*University of Indiana*
Southern Methodist	*Southern Methodist University*
Florida	*University of Florida*

THE VERDICT

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UNION UNIVERSITY
CHARTERED APRIL 1891
DEPARTMENT OF LAW

Delta Chi

Union Chapter

Established in Albany Law School 1897

FRATRES IN LEGIBUS

Seniors

Robert E. Comiskey
Wilmot Decker, Jr.
Stanley D. Hicks
John M. Hotaling
Charles W. Potter
George W. Stedman, Jr.
J. Vanderbilt Straub

Juniors

Richard T. Evans
LeRoy W. LeFevre
Eugene Lester
J. Irving Lynch
Victor Macomber
Paul Morreale
Charles U. Pochel
Harry S. Travis

THE VERDICT

1928

Gamma Eta Gamma

ROLL OF CHAPTERS

Alpha	*University of Maine*
Beta	*Boston University*
Gamma	*Albany Law School*
Delta	*Syracuse University*
Epsilon	*Cornell University*
Zeta	*University of Michigan*
Eta	*Indiana University*
Theta	*Creighton University*
Iota	*Georgetown University*
Kappa	*University of Oregon*
Lambda	*Northwestern University*
Mu	*University of Detroit*
Nu	*University of Chicago*
Xi	*Fordham University*
Omicron	*University of Maryland*
Pi	*University of Illinois*
Rho	*Ohio State University*
Sigma	*University of Southern California*
Tau	*Vanderbilt University*
Upsilon	*University of Wisconsin*
Phi	*University of Iowa*
Chi	*University of Minnesota*
Psi	*University of California*
Omega	*Washington University*
Beta Gamma	*Wake Forest College*

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UNION UNIVERSITY
CHARTERED 1795
DEPARTMENT OF LAW

Gamma Eta Gamma

Gamma Chapter

Established in Albany Law School 1904

FRATRES IN FACULTATE

Roland Ford, LL.B.
Charles J. Tobin, LL.B.

FRATRES IN LEGIBUS

Seniors

Albert T. Decker
Wesley L. Waite
Julian A. Stocking
Harry J. Schell
George S. Tripp
Roger C. Wright
Roger Kaadtmann
William E. J. Connor
John F. MacArevey

Juniors

Kenneth W. Brett
Sidney B. Gordon
Paul W. Gallagher
Verne J. Loveland
James Y. LaRue
Francis A. St. Clair

Freshmen

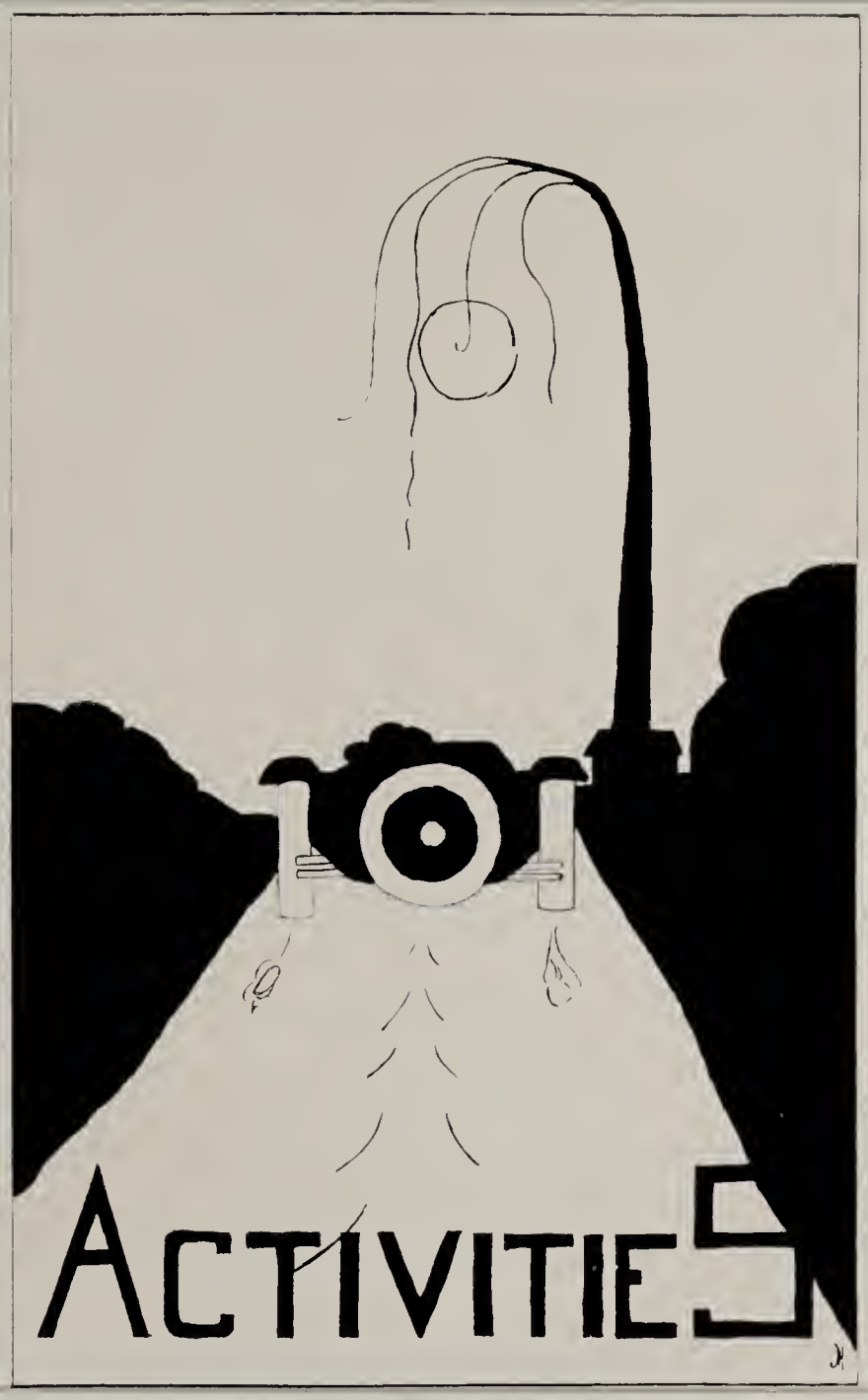
Thomas M. Bowes
Ernest G. Buhrmaster
Edward J. Colmey
Donald I. French
Charles F. Kaiser
John D. Wilde
Frederick A. Young

Fraternity

The eternal cry of all mankind calls clearly for true brotherhood,
For we know that only in this way are the trials and struggles withstood;
The deeds that we do on earth now — 'tis for fellowship's sake that we do them;
Every working form of comrade-love is life to all struggling men.
Whatever allurements are offered to form a fellowship true
Shall receive the applause of all mankind as it makes man's discords more few.

Humanity stands for Fraternity; it is expressed in various ways —
Yet however expressed it means Forever, — it knows not the measure of days.
Tried by the self-same problems, united we feel secure,
For the leading steps of a stronger brother may guide those not so sure.
Students, Brothers, and Comrades — we shall be thus for eternity —
In every social unit the organ of life is Fraternity.

Albert T. Decker '28



UNION UNIVERSITY
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UNION UNIVERSITY
DEPARTMENT OF LAW

The Editor

The Business Manager

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J. Vanderbilt Straub

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John M. Hotaling

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Junior Editor
Victor A. Macomber

Freshman Editor
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Faculty Adviser
Andrew V. Clements

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Forum

THE Forum Society was founded in 1924 by a group of students desiring to promote their development along the line of public speaking and debating.

The past year has been a most successful one. Noted speakers and artists have addressed and entertained the body. It has held a number of successful smokers. Its members have participated in the intercollegiate and Cardozo-Faculty Prize debates.

The officers for the first semester were: President, Robert Emmett Comiskey; Vice-President, Charles D. Campbell; Secretary, Andrew S. Kowalczyk; Treasurer, Maurice Chacchia; Sergeant-at-Arms, Clifton A. Cloud. Officers for the second semester were: President, William E. J. Connor; Vice-President, Harry Travis; Secretary, Luther Webster; Treasurer, Maurice Chacchia; Sergeant-at-Arms, Clifton A. Cloud.

UNION UNIVERSITY DEPARTMENT OF LAW

Justinian

Union Chapter

Founded Syracuse 1913 — *Established at Albany Law 1922*

FRATRES IN FACULTATE

Harold D. Alexander, *Dean*
Andrew V. Clements
Raymond F. Allen
Francis Kelliher

Seniors

Clifton A. Cloud
Max Cohen
C. Emory Lochner
Edward E. O'Brien
George Rusk
J. Vanderbilt Straub
George S. Tripp

1928

The Chancery Society

Founded at the Albany Law School in 1922

FRATRES IN FACULTATE

Raymond F. Allen
Andrew V. Clements

Members

Alden I. Rosbrook

William S. Brill
Robert E. Comiskey
William E. J. Connor
Kenneth J. Dugan
Paul W. Gallagher
Stanley D. Hicks
John M. Hotaling, Jr.
C. Emory Lochner
Charles W. Potter
Robert P. Rickards
John F. Roche, Jr.
Harry J. Schell
John M. Stapleton
George W. Stedman, Jr.
J. Vanderbilt Straub
Wesley L. Waite

Roger C. Wright

Devil's Own

Devil's Chapter

Founded in the Albany Law School 1901

FRATRES IN FACULTATE

Andrew V. Clements
John J. Fitzpatrick
Arthur L. Andrews
Raymond F. Allen

Arch Devils

Maurice Chacchia
Wilmot Decker, Jr.
Walter E. Deisseroth
Sidney B. Gordon
Seymour Ellenbogen
John W. Olmstead
Willard Sann
John F. MacArevey
George S. Tripp
Benjamin B. Rogers
Henry Visker
Stanley Hicks

Albert T. Decker

Kappa Beta Phi

National Honorary Fraternity

Founded in 1783

FRATRES IN FACULTATE

Andrew V. Clements
Raymond F. Allen

Seniors

Walter E. Deisserotii
Benjamin B. Rogers
Henry Vischer
William Coleman
Willard Sann
Fay R. Depfer
Maurice Chacchia
John MacArevey
John Olmstead
George S. Tripp
Stanley Treyz

Juniors

William A. Searle
J. Roland Stevenson
Richard T. Evans
Sheldon L. Wickes
John J. Babe
Francis A. St. Claire
Eugene F. Lester
Charles U. Pochel
Glenn W. Springmann
R. William Fink, Jr.
Henry A. Brand
Sidney B. Gordon
John J. Donohue
Robert T. Murray
Verne Loveland
J. Harris Baker

Freshmen

John A. Henry
Frederick A. Young
William B. Skane
James J. McGuiness
Jack Wilde
Theodore R. Davies
Arthur Eugene Walker
Charles S. Wright
Charles S. Tracey
Richard V. Donahoe
Walter Stedman

The Senior Banquet

THE annual Senior Class Banquet took place this year on February twenty-first at the new DeWitt Clinton Hotel. Robert Comiskey presided as toastmaster and the principal address of the occasion was delivered by former Judge Rosch, who recently left the Supreme Court bench to act as counsel for the Delaware and Hudson Railroad.

Practically every member of the class was present and the banquet was one to be remembered as not only a moral but also a financial success. Credit for the occasion rightfully belongs to Mr. Potter, who acted as chairman of the committee, and to George W. Stedman, Stanley Hicks, Fay Depfer and William Coleman, who assisted him.

Senior Dance Committee

KENNETH J. DUGAN . . . . . *Chairman*

JOHN P. BADGER
MORRIS KOFFSKY
GEORGE S. TRIPP
JOHN MACAREVEY
HENRY R. VISKER

1928 UNION UNIVERSITY DEPARTMENT OF LAW

Inter-Fraternity Council

PHI SIGMA KAPPA

John Olmstead — Wendell O'Shea

DELTA CHI

J. Vanderbilt Straub — Charles W. Potter

GAMMA ETA GAMMA

Sidney Gordon — Paul Gallagher

ALPHA PHI DELTA

Maurice Chacchia

Cap and Gown Committee

LeRoy Stein . . . . . *Chairman*

Helen M. Gross

John H. Benson

Paul L. Owens

Invitations Committee

WILLIAM S. BRILL . . . . . *Chairman*

KENNETH P. MCKEON

SEYMOUR ELLENBOGEN

REBECCA AXELROD

The Dean's Reception

DEAN ALEXANDER'S annual reception to the students took place at the Ten Eyck Hotel on October twenty-seventh. Practically the entire student body and nearly all the members of the faculty were present and as it was the first opportunity for the incoming Freshman class to meet many of the upperclassmen a number of new acquaintanceships were begun. Several of the dancers from the Band Box and a group of our Law School musicians furnished the entertainment. Perhaps this is as good an opportunity as any to express the appreciation of the student body to Dean Alexander for these affairs which we feel are an exclusively Albany Law School custom and to assure him that they will be remembered as very pleasant memories of our undergraduate days at the Albany Law School.

The Freshman Dance

THE Freshman dance this year took place on December twenty-first in the new dining room of the DeWitt Clinton Hotel. This was the first time that the dining room had been rented for a private affair. The committee in charge included, William B. Skane, chairman, George F. Schoenbrun, Robert J. Lennon, Leo E. Mills, Eugene W. Yoemans, William J. Burns and James J. McGuiness, ex-officio.

UNION UNIVERSITY
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Debating

THIS year concludes the most successful season in debate as yet experienced by the Albany Law School, for the school was successful in every debate in which it participated and ended the debate program with an unbroken series of victories.

The first debate of the season was one conducted in New York City against New York University. The subject involved the question of the protection of American property abroad by the use of armed forces. The speakers for the Law School were J. Vanderbilt Straub, William E. J. Connor and Robert E. Comiskey. The Law School upheld the negative of the argument and was awarded the decision.

Our opponent in the second debate was Rutgers University. The argument centered about the issue of the advisability of compulsory liability insurance for automobile owners. The Albany Law School had the affirmative side of the argument and was successful. The speakers included James J. McGuiness, Luther Webster and Kenneth Dugan.

The last debate of the season was a return engagement with New York University. The same subject which had been debated earlier in the year was used except that each team had the opposite side. This debate took place in Albany and the Law School was again successful. The speakers for the Law School were William S. Cole, Victor A. Macomber, and J. Vanderbilt Straub.

Mr. Raymond F. Allen acted as debate coach for all three debates and Mr. Walter Deisseroth filled the capacity of manager of debates during the year.

The Cardozo-Faculty Prize Debate

THIS year the Cardozo-Faculty Prize Debate will take place at the Albany Institute of History and Art on May eleventh. The subject under discussion is, "Resolved, that Calvin Coolidge should be elected President of the United States in 1928." The affirmative will be upheld by Victor A. Macomber, Luther Webster and J. Vanderbilt Straub. The negative will be sustained by Kenneth J. Dugan, William E. J. Connor and James J. McGuiness. Due to the fact that the VERDICT has gone to press before the date of the debate, it is impossible for us to chronicle the result.

COMMENCEMENT

Seventy-Sixth Commencement

Address by Aaron V. S. Cochrane, A. B.

Presiding Justice, Supreme Court, Appellate Division, Third Department

DEGREES CONFERRED JUNE 9, 1927

Bachelor of Laws

Lester William Berglund	*Jamestown*
John Bloomer Bingham	*Newburgh*
Milton Adelbert Bissell	*Jamestown*
Paul Augustine Boylan	*LeRoy*
Charles Ward Brown	*Brooklyn*
Thomas Joseph Burke	*Cohoes*
Thomas William Cantwell	*Albany*
Louis Michael Carusone	*Saratoga Springs*
Charles Huntingdon Clark	*Malone*
Walter Donald Coleman	*Troy*
Mather James Dancy	*Schenectady*
John James Dapolito	*Clyde*
Frank Edward Delahee	*Cohoes*
Clayton Robert Dodds	*Amsterdam*
Austin Joseph Donovan	*Rochester*
Dwight Nicholas Dudo	*Croghan*
Henry Redman Dutcher	*Rochester*
Joseph Patrick Duval	*Saratoga Springs*
William Martin Eaton	*Hudson*
Sanford Nicholas Egloff	*Croghan*
John Stokes Evers	*Waterford*
John Joseph Farrell	*Whitehall*
Kenneth Robert Garrison	*Hudson*
Charles McDonald Gildea	*Cohoes*
Hubert James Gillette	*Holley*
Stanley George Grabicki	*Schenectady*
William Titus Harrington	*Auburn, R. I.*
Roger Brush Haviland	*Gloversville*
Harold Francis Hermance	*Albany*
George Fundenberg Humphrey	*Saratoga Springs*
James Peter Kalteux	*Schenectady*
Joseph P. Keenan	*Albany*
Jay Barker Kessler	*Mexico*

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Robert Charles Killough, Jr.	*Watervliet*
Sarah Gilda Kosatzky	*Schenectady*
Bernhard Shire Levey	*Syracuse*
Jasper Samuel Levine	*Schenectady*
Raymond E. A. Loughlin	*Glens Falls*
Emmet J. Lynch	*Plattsburgh*
Kenneth Samuel McCaw	*Newburgh*
Lawrence J. McGovern	*Schenectady*
Kenneth Townsend McKay	*Middletown*
James John McNaughton	*Saratoga Springs*
Joseph William Martin	*Rochester*
Daniel Francis Mathews, Jr.	*Solvay*
William Atkinson Mayo	*Campbell Hall*
Walter Leonard Miller	*Jamestown*
Franklin Robert Mullan	*Rochester*
Arthur Joseph Murphy	*Troy*
Fred Johnston Murray	*Cohoes*
Matthew John Namisiha	*Syracuse*
Alvin Frederick Nitchman	*Schenectady*
Mary Margaret Noble	*Troy*
Albert Edward Odell	*Troy*
John Dillon O'Loughlin	*Binghamton*
Carl Oscar Olson	*Watervliet*
John Joseph O'Malley	*Saratoga Springs*
Ira LaVerne Orvis	*Rensselaer*
Paul Cody Reuss	*Albany*
William Adolph Risi	*Binghamton*
Alexis Russin	*Endicott*
Thomas Watson Ryan	*Binghamton*
Hyman James Sacharoff	*Schenectady*
Harry Howard Singleton	*Glens Falls*
Robert William Sloan	*Cortland*
William Joseph Sullivan	*Albany*
Hall Taylor	*Albany*
James Frank Traynor	*Plattsburgh*
Harry Marcus Walton, Jr.	*Sidney*
Harold Hegeman White	*Jamestown*
Ruth Marie White	*Hoosick*
Clarence Bryan Wilcox	*Delhi*
Roger Olney Williams	*Albany*
John Joseph Wurdig	*Bloomfield, Conn.*
William Edward Young	*Rochester*
Melvin Harold Zurett	*Syracuse*

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UNION UNIVERSITY
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Senior Class Vote

Are you in favor of the Prohibition Law?	Yes	13	No	45
What member has done most for class?	Straub		Olmstead	
Most popular instructor	Rosbrook		Allen	
Most ambitious classmate	Cloud		Cohen	
Most likely to succeed	Straub		Dugan	
Most popular co-ed	Miss Pratt		Miss Gross	
Handsomest classmate	Treyz		O'Loughlin	
Worst grind	Cohen		Hahn	
Puts on most dog	Owens		Cloud	
Biggest bluffer	Comiskey		Haver	
Favorite course	Oratory		Real Property	
Most difficult course	Real Property		Oratory	
Most garrulous classmate	Comiskey		Haver	
Smoothest classmate	Lutz		Ellenbogen	
Worst gloom	Cook		Badger	
Class wag	J. O'Brien		Haver	
Most likely politician	Comiskey		L. Smith	
Most desirable undergraduate distinction	Justinian		Passing Real Property	

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UNION UNIVERSITY CHARTERED 1795 DEPARTMENT OF LAW

Junior Class Vote

Are you in favor of the Prohibition Law?	Yes	15	No	45
What member has done most for class?	Webster		Cole	
Most popular instructor	Andrews		Allen	
Most ambitious classmate	Learned		Macomber	
Most likely to succeed	Cole		Powers	
Handsomest classmate	Murray		Cogan	
Worst grind	Learned		Donohue	
Puts on most dog	Murray		Vrooman	
Biggest bluffer	Vrooman		Donohue	
Favorite course	Municipal Corporations		Federal Practice	
Most difficult course	Real Property		Taxation	
Most garrulous classmate	Vrooman		Robinson	
Smoothest classmate	Murray		Learned	
Worst gloom	Robinson		Morgan	
Class wag	Babè		Vrooman	
Most likely politician	Powers		Heller	
Most desirable undergraduate distinction	Justinian		Captain of Crew	

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Freshman Class Vote

Are you in favor of the Prohibition Law?	Yes	10	No	32
What member has done most for class?	McGuiness		Wallin	
Most popular instructor	Ford		Rogers	
Most ambition classmate	Kenney		Aulisi	
Most likely to succeed	Kenney		Aulisi	
Handsomest classmate	Brumer		Henry	
Worst grind	Speenburgh		Colmey	
Puts on most dog	Sargent		Tracy	
Biggest bluffer	Pliskin		McGuiness	
Favorite course	Advocates		Domestic Relations	
Most difficult course	Fundamentals		Agency	
Most garrulous classmate	Pliskin		Henry	
Smoothest classmate	Wright		Brumer	
Worst gloom	O'Reilly		Donahoe	
Class wag	O'Reilly		DeLeo	
Most likely politician	McGuiness		Hough	
Most desirable undergraduate distinction	Justinian		Librarian	

ROBERT E. COMISKEY, *Respondent*, v. WILLIAM E. J. CONNOR, *Appellant*

Assault — essentials to make out defense of equitable estoppel — rule applied when insanity is defense in civil action — conduct of counsel on trial as prejudicial to decision.

1. The essential elements of the doctrine of equitable estoppel are a reliance by one upon the acts, words or silence of another where the latter had a duty to speak, and a change for the worse in the condition of the person relying, which change is caused by his acting upon such representation. Without these elements being present there can be no estoppel. Thus, in a case where the action arises from circumstances unfavorable to the plantiff, a defense based upon an estoppel cannot be held good where it is in conflict with the settled authorities on that subject. This matter is one for the legislature and not the judiciary to decide.

2. Where in a civil action a defense of insanity is interposed, if the act complained of is also punishable as a crime, the rule relating to insanity as applied in criminal cases must be used to determine whether the act out of which the action arises was committed under circumstances which would excuse the defendant from liability.

3. A new trial will not be granted for an alleged breach of duty by counsel where the breach charged was "making faces" at the court during the progress of the trial. The court will take judicial notice of the fact that, due to the peculiar physiognomical structure of certain faces, what would be "making faces" in one case might not be in another.

Comiskey v. *Connor*, 310 App. Div. 543, affirmed.

(Argued December 1, 1972; decided March 15, 1973)

APPEAL from a judgment of the Appellate Division of the Supreme Court in the third judicial department, entered October 4, 1972, affirming a judgment in favor of the plaintiff entered upon a verdict.

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Roger Wright, John Roche and John Olmstead (*Albert Decker* on the brief), for appellant. The plaintiff is equitably estopped from maintaining this action. (*Rickards* vs. *Benson Baby Food Company*, 310 N. Y., 192; *Pratt* vs. *Connor*, 307 N. Y., 469; *Wasileski Hair Oil Traveling Circus* vs. *Hotaling*, 309 N. Y., 123.) The defendant was temporarily insane at the time of the alleged assault and so was not responsible for his actions. (*McKeon* vs. *Cohen* 300 A.D. 45; *Hoffmann* vs. *Rogers*, 302 N. Y. 468.) The defendant's case was prejudiced during the trial by the conduct of one of his counsel (*Matter of Potter*, 287 A.D. 463; *Matter of Ellenbogen*. 279 A.D. 498.)

Kenneth Dugan, Morris Koffsky and Fay Depfer (*Lynn Smith* on the brief) for the respondent. The elements of an estoppel were not made out by the defendant. (Rogers on Equity; *Rickards* vs. *Benson Baby Food Company*. 310 N. Y. 192.) The rule relating to the defense of insanity in criminal actions should be applied here. (Alexander on Criminal Law.) The defendant failed to show insanity (*Haver* vs. *Tax Commission of the State of New York*, 304 N. Y. 498.)There was no breach of duty by defendant's counsel. (*Matter of Potter*, 287 A.D. 463.)

STRAUB, J. This is an action for damages for an alleged assault and battery. The plaintiff recovered a verdict on the trial and this judgment was affirmed by the Appellate Division. The present appeal involves a number of interesting questions of law covering a wide range in the field of jurisprudence.

The facts, which were not seriously controverted by the defendant, are somewhat novel and must be fully understood in order that the various questions of law presented upon this appeal may be correctly determined. Both parties to this litiga-

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tion are members of the Bar and the present controversy arises from their activities as members of one of the major political parties. So far as we have been able to glean from the record both litigants seem to be Republicans of a rather ardent type, the plaintiff having devoted his oratorical powers to the success of that organization for a number of years. The plaintiff herein was a candidate for election to the New York State Senate. On the night of the alleged assault he was to address a political society, called the Baby Elephants, an organization which he himself had founded some years previous and which was pledged to the support of the Republican party. In order clearly to present the issues then before the voters, from their various angles, one Rusk, a Democratic politician of some note, was to uphold the side of his party, thus making the oratorical display for the evening somewhat in the nature of a debate. According to the testimony of the defendant as brought out on the trial, the plaintiff Comiskey approached the defendant before the debate with the suggestion that Connor should act to prevent any lack of enthusiasm for the Republican candidate and to embarrass Mr. Rusk wherever possible. This Connor agreed to do. In pursuance of this agreement it appears the defendant armed himself with a variety of over-ripe vegetables and when Mr. Rusk began his speech these were disseminated from the gallery. Several of these missiles were not aimed correctly and one of them struck the plaintiff as he was hastening from the stage. It is for this alleged assault that the present action is brought.

This court, on a number of occasions, has declared its condemnation of any practices which may, however indirectly, detract from the sanctity of the franchise. We feel that adequate

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information preparatory to balloting is essential to good government and condemn the deprivation from voters, as occurred in the present case, of knowledge that might help determine their selection of candidates, as hostile to the principles of democratic government. As CLOUD, J, speaking for this court, said in *People* vs. *Deisseroth*, 298 N. Y. 145, "The mere actual balloting is not the only act to be protected during the course of an election. The inviolability of the direct primary is a prerequisite to an impartial selection of candidates. The idea of a 'boss' dictating the choice of candidates is utterly abhorrent to our conception of free institutions." Considered in this light the claim of the plaintiff arises from an unfavorable statement of facts but we shall proceed to consider the various points of law which are raised by the defendant in this appeal and which have been found insufficient by the courts below.

First. The defendant insists that the plaintiff is equitably estopped from maintaining this action, because having entered into an agreement having for its purpose the disgrace and embarrassment of his political opponent, he should not now be heard to complain that the means he adopted reacted upon himself. The doctrine of equitable estoppel dates far back into the history of the Court of Chancery in England. Because of its inherent nature, it was addressed to the conscience of the court and was administered by the Chancellor when to have allowed the plaintiff relief upon his admittedly legal claim would have been unconscionable (Rogers on Equity, page 1679). The elements of an estoppel are reliance by one upon the words, conduct or silence of another who had a duty to speak and a change for the worse in the condition of the party relying. Without these essentials being present

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there can be no estoppel. Here it seems clearly apparent that the defendant's claim must fail because there was no representation in the first place and in the second place no change in the position of the defendant that came from reliance upon such representation. Much as we may desire to punish what seems to be apparent villany our duty is to administer the law as we find it. If the legislature wishes to change the law relating to equitable estoppel in the case of the hurling of over-ripe vegetables, that is clearly within its prerogative. To create a new rule in contravention of the weight of legal authority may satisfy the layman's idea of justice but such procedure cannot appeal with much force to the refined legal mind.

The cases, through a long line of decisions, clearly sustain the plaintiff's position. The leading authority on estoppel in this State is the case of *Rickards* vs. *Benson Baby Food Company*, 310 N. Y. 192. Here, for an agreed consideration, plaintiff allowed the defendant to print his picture in connection with the advertisement of their product. At the conclusion of a year, in order to add to their sales and attract prospective purchasers, they increased the corpulency of the plaintiff in their advertisements. In an action to restrain further use of his picture, this court awarded relief to the plaintiff and held that receipt of the consideration did not work as an estoppel. STEDMAN, J., writing for this court declared, "The old equity maxim, *Quisque hominem obesum amat*, would seem to have some application here. The protection given by the law extends to men not only rich and poor but also great and small. A man's corpulency, as any other item of his personal appearance, is a property right which cannot be invaded without redress. A person's avoirdupois is sacred and

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he has the right to be pictured as he is and not added to, to attract the attention of the parents of hungry babies." The common features between the case above and the one which we are now considering are apparent.

The *Rickards* case distinguishes two other adjudications, involving the doctrine of equitable estoppel, that have been recently handed down by this court. In the first of these, *Pratt* vs. *Connor*, 307 N. Y. 469, the plaintiff, who was an athlete of some note, had made a wager with one Lochner that the defendant Connor, was an instructor at the New York State College for Teachers. She lost the wager and as a consequence was forced to swim the English Channel. In an action for damages, this court held that Connor, having advised the plaintiff of his appointment as an instructor in the State College, could not later plead his lack of sincerity as a defense. The case of the *Wasileski Hair Oil Traveling Circus* vs. *Hotaling*, 309 N. Y. 123, also involves this same principle. Here the defendant agreed to travel with the plaintiff company to be a living example of what might be accomplished by consistent use of plaintiff's product. The plaintiff contracted large liabilities in advertisements, costumes for the members of the company band and other equipment. The defendant then broke his agreement and appeared as a window attraction in a place known as the Stein and Schlusberg Beauty Parlors. In an action for an injunction it was held that the Statute of Frauds could not be pleaded as a defense. SCHELL, J, writing for this court, declared, "If we were to allow this defendant to plead the Statute of Frauds, it would work a grave injustice. The courts will not allow the Statute of Frauds to be used as an instrument of fraud where the principle of estoppel forbids such action, since it is a

general rule of equity that a man shall not be allowed to profit by his own wrong. We should not allow a designing schemer to impose upon an honest, though simple, show man because the latter's trusting mind failed to consider one of the niceties of the requirements of the law."

The defendant herein seeks to bring this action within the doctrine expressed in the two cases above. In each of these, however, we have a perfect example of a statement, a reliance thereon, a change of position by the person to whom the statement was made and his consequent damage. In the present case we feel there was no such representation and reliance thereon as would constitute an equitable estoppel.

Second. As a second defense to this action, the defendant urges that at the time of the commission of the alleged assault, he was suffering from temporary insanity. This raises the interesting problem of whether the same strict rule, applied in cases of insanity in criminal prosecutions, should govern in a civil action for damages. In a criminal prosecution the law regards a man as insane only where he did not appreciate the nature of the act or know that it was wrong. (Blake on Insanity 15th Ed., page 967). Both the trial court and the Appellate Division have held that this rule must be applied in civil actions. We are inclined to agree with them. Counsel for the appellant have been most assiduous in their research on this point. We have carefully examined the decisions cited in their voluminous brief but can find no authority to support their position. The case of *McKeon* vs. *Cohen*, 300 A.D. 45, is hardly in point. Here the defendant was a member of the Bar and had done work for the plaintiff. The plaintiff sued for damages for negligence, alleging that the

defendant's eccentric actions in appearing in court wearing a Roman toga and carrying a large key under his arm had caused the failure of the plaintiff's claim in the suit in which Cohen had been retained. The defense was insanity, caused by a gradual weakening of the mind brought about by worry over the failure to have read one case in Bankruptcy while the defendant was an undergraduate in law school. Here the court declared that the rule of insanity, applicable in criminal cases, should not govern and that liability might be avoided by proof of a lesser degree of mental weakness. This rule was again applied in *Hoffmann* vs. *Rogers*, 302 N. Y. 468, an action for breach of promise where the defense again was temporary insanity.

The distinction between these cases and the case at bar is apparent. In neither the *Cohen* nor the *Hoffmann* cases was there any element of crime involved. Here as the basis of this action we have an assault, an act which is declared to be a crime by our law. (Alexander on Criminal Law, page 1128). So, we may lay down the general rule that where a civil action is brought to recover damages for an act which is punishable as a crime, the rule of insanity as applied in criminal cases must govern. How slightly this burden was assumed is apparent from a perusal of the record. The following is an excerpt:

Mr. Dugan (cross examining): "How long have you been a Republican?"

Mr. Connor: "Three years".

Mr. Dugan: "What was the occasion of your becoming a Republican?"

Mr. Connor: "Columbia County went Republican that year. Before that I was a Democrat."

* * * * * * *

Mr. Dugan: "Explain how you felt just before you threw the fruit."

Mr. Connor: "I felt inspired — just as if it were my religious duty to stop Mr. Rusk from blaspheming the truth by speaking favorably about the Democratic Party."

This sudden change of sentiment cannot fail to arouse suspicion as to the good faith of the defense. As McCORMICK, J. said, speaking for this court in the case of *Haver* vs. *Tax Commission of the State of New York*, 304 N. Y. 498, an action brought to determine the validity of a blanket tax on toy balloons but in which this very problem arose, "Another example of the invaluable worth of the cross-examination is the facility with which the truth is brought to light. All the psychological reactions of the witness may be capitalized by the skillful attorney in cross-examination." Here the defendant obviously failed to show such state of mind as to excuse his conduct on the ground of temporary insanity.

Third. The last defense urged upon us by the appellant is that he suffered from a breach of duty of counsel. The defendant declared that Mr. Chacchia, one of his attorneys, "made faces" at the trial judge in open court. This tribunal has consistently declared that the utmost respect should be shown by counsel in their attitude toward the court and in several cases we have suggested that charges be brought against counsel in disbarment proceedings. However, here we feel no such drastic measures need be taken and this court will take judicial notice of the fact that due to the peculiar physiognomical structure of certain faces, what might be "making faces" in one case might not be in another.

Both cases relied upon by the defendant involved much more serious offenses than occurred here. In *Matter of Potter*, 287 A.D., 463, an attorney was admonished for falling asleep during the trial of an action. In *Matter of Ellenbogen*, 279 A.D. 498, an attorney was suspended for six months because he was two days tardy in appearing in an action for his client. In the latter proceeding, HICKS, J, declared, "The criticism by the laity of the alleged dilatoriness of the law would seem to have some justification in the present case. We cannot help but feel that some of this delay is caused by the members of the Bar themselves. What this country needs is a good legal alarm clock. Retarded justice is no justice at all." The conduct of counsel in the present case, we feel, requires no such drastic reproof.

The judgment should be affirmed, with costs in all courts.

BENEDICT, Ch. J., COMPTON, O'BRIEN, COLEMAN and ISENBURGH concur; LUTZ, J., dissents.

Elegie

There was a young lad named Maxy Cohen,
All day and all night on cases he'd bone,
When called on in class he'd always recite,
And everyone thought that Maxy was bright.
But there came a day of weeping and wailing
When Maxy was marked as among those failing,
For he passed back his notes to a fellow student,
An act which turned out to be very imprudent,
For the prof called on Maxy who spake, red of face,
"Oh, Oh, Mr. Ford, now I haven't that case."

Gr-r-r, the Feud

It was a class in evidence, in the Albany Law School,
And Chacchia turned to Depfer and said, "You're a gol darn fool".
Then Depfer waxed exceeding wroth and smiteth Chacchia low —
Aye, me lad, I saw it and 'twas a well-aimed blow;
And as poor Chacchia moaned and writhed in mortal agony
Bold Depfer looked upon the scene with merriment and glee,
Mr. Ford looked down his lists for a student to recite,
His pencil stopped upon a name — "Oh, that's er-Chacchia, that's right".
And now poor Maurice's cup of woe is full, aye, to the brim,
For Mr. Ford wants the case and he has called on him;
Poor Maurice staggers to his feet — from the blow he's nearly spent —
"Now, Mr. Ford, I had that case but I don't know where it went".
So Maurice sits down in disgrace and confusion
And sore from the blow which has raised a contusion;
A thunder-cloud sits on his brow, he grits his teeth, gr-r-r-, gr-r-r —
And meditates on revenge upon the lawless Fay Depfer.
He watches his chance to attack unperceived
But the wily professor is not deceived,
For as Chacchia has raised his right "manly" hand to strike,
Mr. Ford says to him, "Now that I don't like;
Since you don't do your work you might at least pay attention
For this, although strange, is no Democratic convention."
So Maurice was caught in disorder red-handed,
And lucky for Fay that the blow never landed.
Thus endeth the feud 'tween Maurice and Fay,
But, forsooth, dear reader, 'twas resumed the next day.

Phantasmagoria

It was Monday morning — no, not a blue Monday, nor a rainy one. And it was not "the morning after the night before".

The streets were silent as I made my way down to school. There was no shout of "Extra"! to greet my ears. The morning rush to work had not yet started. The streets were deserted except for an occasional law student, eagerly rushing toward our edifice of learning. When I arrived at the school steps I was greeted by the cheers of the students who were there ahead of me — anxiously waiting for the doors to open, eager to pursue their courses in legal learning.

No one asked me for a cigarette. Hal Cook came up to me and offered me one of his "hand made specials". Max Cohen offered me his typewritten briefs which I refused for fear that he might be caught without them again.

By 7:15 A.M. all of the student body was gathered before the steps — all except some Freshmen whose interest in the pursuit of their research had led them to remain in the library over the week-end. Would those doors never open!

MacArevey, Rogers and Visker stood at the doors, anxiously peering through for a glance of the janitor who was to let us in. Suddenly they let out a cheer which was taken up by the assembled crowd. Through the glass our janitor was seen approaching, garbed in a lace-trimmed night-gown, with a candle in one hand, a Fisk tire in the other and a yawn all over his face.

After the doors were opened, we all filed in, depositing our gifts of apples, pears, cigarettes, cigars and hen fruit in a basket designated to receive our tokens of love for the Dean and the faculty.

The senior class was soon quietly occupied in its room. Everyone was busily engaged in polishing up on his briefs. No one was copying briefs. Bob Comiskey was not delivering a speech; Connor was not applauding him; Sann was not telling stories; Depfer was not making a general nuisance of himself; Cloud did not tie his brief case to his desk; Haver was not "razzing" Smith and Al Decker was not dreaming of Oneonta and his week-end trip.

The silence was broken only by the entrance of the Dean who was to lecture on Real Property — our favorite course not only because of the instructor but because it is such a snap. The Dean didn't start class by citing cases for the next lecture. Instead he entertained us with a few jokes he had just read from the "Vie Parisienne". Following came a recitation from Becky Axelrod; a new version of the Doll Dance by Helen Gross and a demonstration of the feminine art of self-protection by Helen Pratt who used "Julie" Muffson as a subject for her demonstration. It goes without saying that this was enjoyed by all.

The class now assumed its legal role. I was the first to be called for a case. The Dean humbly apologized for his error when he learned that I did not have it.

He recognized the fact, however, that O'Connor and Finnegan had given free entertainment to their best patrons on the night before and on these grounds permitted me to borrow and read from Wasileski's briefs. After I read the brief word for word and solemnly declared the law held in the case there was great applause. The Dean assured me that my candidacy for a sheep-skin was undisputed. This was followed by another cheer and a demand for "Speech!" "Speech!"

So satisfied was the Dean with us that he offered to dismiss the class a half hour early but consented to continue when the whole class including Spillane, Doyle and Deisseroth protested against an early dismissal.

Determined to entertain us for the remainder of the hour the Dean recited for us "The Face on the Barroom Floor" and "The Shooting of Dangerous Dan McGrew". The bell rang all too soon and class was over, since all good classes must come to an end. The Dean kissed us all goodbye and told us to be good students until our next meeting. As he left the room he threw a fistful of silver dollars toward the ceiling. They fell in a musical shower upon the polished floor. No one moved from his seat. "Let the janitor have them", some one shouted and we all agreed. (It is rumored, however, that Stedman and Wright were seen matching silver dollars later that day.)

As I left the class for recess I met the Dean in the hallway. He asked me if I would not like to take some of the nice boys — like Hotaling, Rusk, Lape, Owens, Petrunick and Rickards — out for a ride in his Lincoln for the next hour. At first I declined but since he insisted and offered to pay for the gas I accepted.

We all piled into the car. There was room for more so we invited Koffsky to come along. He declined for fear he might crowd us and so we started.

It was a perfect ride! We didn't go fast, didn't yell or wave at any of the fair sex, obeyed all the traffic rules and regulations, didn't swear at the cops or throw out empty bottles into the street; above all we didn't sing naughty songs.

Suddenly as I came around a corner I ran into a water wagon from the Department of Public Works. The driver cursed and the water gushed forth. We were drowning. I tried to swim but in vain. I could feel my wind was being shut off — "What the — hey — what's up!" — "Get up", I heard a voice say, "Get up, I say! You're late! It's after nine!"

I awoke to find my roommate emptying the liquified contents of an ice-pack into my face!

Yes, as I was saying, it was Monday morning. It was blue Monday and rainy; — it was the morning after the night before.

Doctor: What are you praying for?

Patient: Praying for relief.

Mr. Ford (*in Evidence Class*): Do not read your case. Recite on it.

Ellenbogen (*hesitating*): Sorry, sir, but I must use my memorandum to refresh my recollection.

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The Hypothetical Question

He was a rising young lawyer — and very shy. She was a law student — and very pretty. He was violently and hopelessly in love, but he could not get courage to propose to her. He decided, after careful consideration, that something must be done, and done at once. His legal training must come to his aid.

One day they were sitting by the shore of the lake, gazing over the sparkling water. The sun was shining, the sky was blue, and he was happy; but he wished to be even happier. Her hand was close to him, but he didn't dare to take it; he was afraid of being rebuffed.

He had an inspiration, one that he felt was in keeping with his profession and hers.

"Mona," he said, moving cautiously, a quarter of an inch nearer. "You know what a hypothetical question is in law, don't you?"

"Yes, Herbert," she said, expectantly. She was an ambitious student.

"To see if you really understand," he continued bravely, "I am going to give you one. And remember, the impersonal viewpoint is very necessary in the legal profession." He was preparing a defense, in case he should need one.

"Yes, Herbert," said the pretty girl, sitting up straight, her mind clear and receptive.

Herbert began — in a clear, impersonal voice — his hypothetical question. "If I should move over nearer to you, Mona, as near as this, for instance —" He bravely took up her hand, and seated himself on the grass where it had been, for he knew the value of demonstration. "If I should put my arm around your waist — this way ——" He suited the action to the word, and his voice was a trifle unsteady as he went on, beginning to hope that she had the truly legal mind: "And if I should hold you close — so close that I could appreciate fully how beautiful you are, thus; and if — but here may I digress, and apologize for a possible awkwardness, my plea being that — having waited all my life for you, I have utterly ignored other women? As I say, if I should — should kiss you, like this — and this — and this ——" Here he paused for breath; "— what would you do?" He could hear his heart beat as he finished.

The girl sat up, trying to look thoughtful; her eyes were very bright, and her cheeks were very pink. She spoke softly, but her enunciation was clear. "I'm awfully sorry, Herbert," she said, "but I'm afraid I must be dumb. Would you mind — if it isn't too much trouble — would you mind repeating the question?"

— *Judge*

Mr. A: I understand that you give Miss — a great deal of consideration.

Mr. B.: Why, er-yes — I do. I give her plenty of natural love and affection.

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Oh, You Dean

Students who marry during their courses will not be permitted to remain in college. Further, students who are already married must either live with their husbands or make other arrangements with the dean. — *Catalogue of an Ohio college.*

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Latest Books

John Beck, for your convenience offers the following books:

What a Key Hole May Reveal, by Seymour Ellenbogen

The material for this book has been gathered by the author in his extensive travels during the past season. The investigation has been very thorough and has been carried on at great personal risk. Captain Ellenbogen is a man of great weight and an authority on this subject.

Silence, As I Practice It, by Robert Comiskey

Rarely has an author's innermost being been so clearly revealed as in this book. While this is primarily a book of theory, practical demonstration may be had by accompanying the author to a meeting of the Forum or any other of the local shrines of the drama. The author has lately added an appendix on "How To Lead Singing in College Body Meetings."

Three Years a Frosh, by William Hahn

A Soul's Tragedy, by Kenneth "Cowboy" McKeon.

If I Were Two Years Older, by Nelson Haver

From Bush League to Retirement, by Joseph Spillane

This book is sympathetic, lurid, and whimsical as well as sincere. The strength of it lies in its elevating moral purpose. The author has literally hurled a crushing invective against not doing cases, colored by tragic flashes from his own life.

Maidens, Beware!

There is a place called old Geneva,
Where dwells a maid named little Eva —
But that has nought to do with this
Although she is a winsome miss —
For far more famous are that pair
Who now make Albany their lair
And spend their time in breaking hearts
By loosing Cupid's harmful darts.
Ye know full well of whom I speak.
And though they may look mild and meek,
Beware, fair maidens, and read your Hoyle,
Before you go out with Spillane and Doyle.

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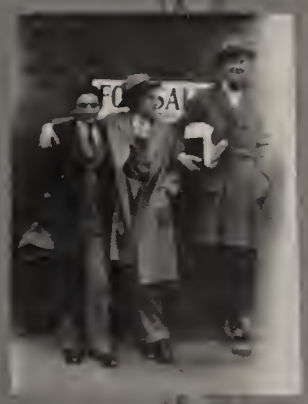

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Albany Law School,
Albany, N. Y.

Dear Dad:

I've been very busy with school lately, too busy in fact to write but I thought I'd take a little time off today just to say hello. We've been taking exams down here. They're just about the dumbest things you ever saw. I don't believe the instructors know how to answer half the questions. But they're finished for a while now. By the way, dad, I happened to bust one of them so don't be surprised if you get a letter from the school about it. I wouldn't worry though if I were you because all the boys are getting them.

Last night after the library closed Joe and I went to a place to get something to eat. I guess there was something the matter with the food because after a while I got quite sick and as I was being helped out a table got knocked over and a lot of things broken. You know the way those accidents happen. Can you please send me an extra $15.00 so that I can get my overcoat back from the man that runs the place?

Tell Sis I would ask her to the Senior Ball next month only I don't think she would have a very good time because she would be so tired from traveling all that distance. Give my love to Mother.

Your loving son,
Bill

P.S. Can you make that $25.00. I have to buy some books to study for the Bar Exams.
Bill

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A Pome

Here lies the body of George,
A demon of speed, we'll admit,
In a Blitzen, or foot race, or at a dance,
Friend George surely had "It".

No social affair was complete at St. Rose
'Til "Blitzen" arrived on the scene;
A dashing young blade; and a way with the girls —
A system, boy, what I mean.

Now George had a job keeping up with himself,
For he set a heart-breaking pace;
So in class Georgie always came to the bat
With "Sir, I haven't *that* case."

The hero has passed, but his spirit goes on
O'er roadway, o'er track and to teas.
His body here in the "Bandbox" we've placed.
Autoists take notice — Please.

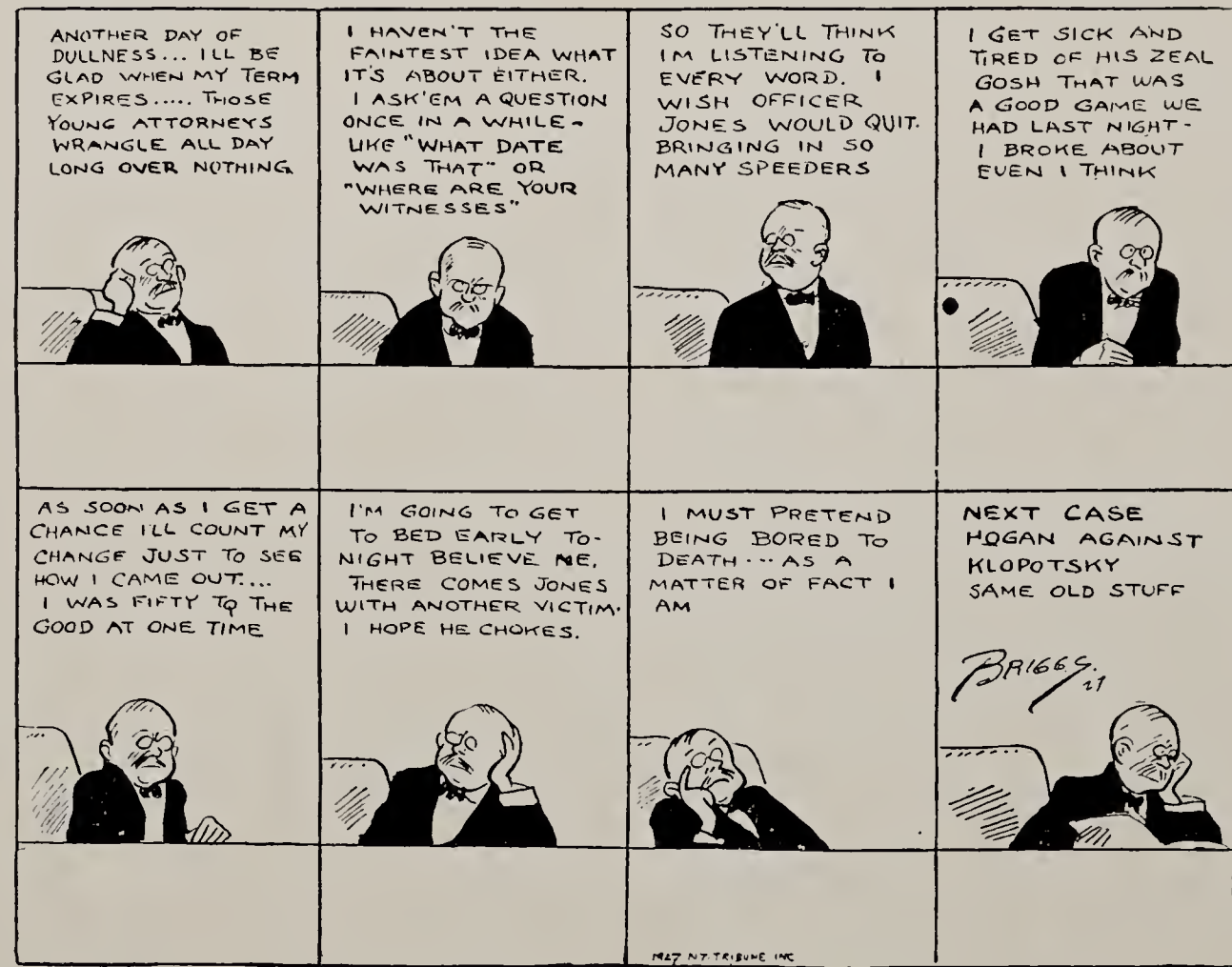
———

(Written in honor of George receiving his driver's license. Mothers of small children — take notice.)

The Thrill That Comes Once in a Lifetime. By Webster

Courtesy of the New York World

Wonder What a Judge Thinks About — **By Briggs.**



Courtesy of the New York Herald-Tribune

Our Alphabet

A is for Axelrod, sweet, smiling Becky,
B for Ben Benedict, from old Schenecky,
C is for Chacchia, which we don't try to spell
D for Fay Depfer, who plagues him so well.
E is for Ellenbogen, the punctual lad,
F stands for friendship to make our hearts glad.
G for fair Helen — although not of Troy —
H is for Hasper, the tonsorial boy.
I for old lucky, the stock-market king,
J for the juries and the verdicts they bring.
K for "Rog" Kaadtmann and his good pal Koffsky
L for the "Little Giant", a brave lad is he.
M for McCormick, a knight of the soil,
No N's do we have to join us in toil.
O for our prexy, the O'B's and O'L,
P for Petrunick and Potter as well
Q for the questions we're asked by the Dean
R for Bob Rickards, a lad far from lean.
S stands for Sann, Straub, Schell and Spillane,
T for Joe Trimble so well known to fame
U must remember the ones we forget —
V for Hank Visker and we're not through yet.
Why, there's Wright and Wes Waite and Wasileski;
And now let us stop — we've neither X, Y, nor Z.

Will They Ever Happen?

"No, I haven't that case" — Cohen
"I am unable to say anything on that point" — Comiskey
Black Bottom trousers — Lutz
No Evidence notes — Toomajian
Early for a class — Ellenbogen
Sitting through a class — Spillane
"Have you that case?" — Judge Chester
"I have a date for tonight, boys" — "Clif" Cloud
The Varsity Drag — "Tex" Rickards
"The Best Things in Life are Free" — Hahn

A Few Suggestions for Graduation Gifts:

Stedman — "My Experiences in Law School"
Comiskey — A loud speaker
Depfer — Chacchia's goat
Ellenbogen — An alarm clock
Cloud — Another all-year haircut
Straub — A few low marks
Bresinham — A new set of teeth
Lape — A straight flush
Toomajian and McKeon — A self-operating mimeograph
Lutz — What Every Young Man Should Know
Hasper and O'Brien — A pair of shears
Isenburgh — A bottle of Herpicide
Coleman — A hobby-horse
Benedict — A mustache cup
Brill — Another gold tooth
Cohen — A large Justinian key
Connor — "The Art of Cross-Examination"
Benson, Benedict, Campbell and Compton — "How to Be Happy Though Married"
Doyle and Spillane — "God's Gift to the Ladies"
Deisseroth, Muffson and Stein — "How to Play Musical Instruments under Difficulties"
Helen Gross — "The Private Life of Helen of Troy"
McCormick — "From Plowboy to President"
Page Smith — "Smiles"
Lynn Smith — "Pulaski Forever!"
O'Loughlin — "Two Years Before the Mast"
Rickards — "A Fat Man's Fancy"

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